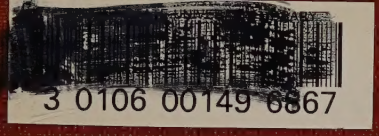
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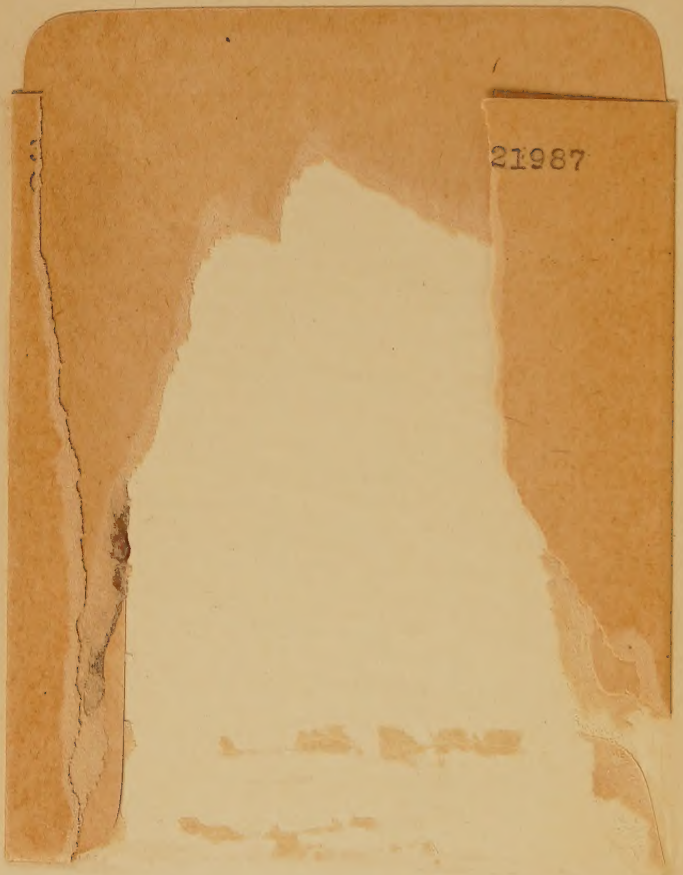
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STATE AND COUNTY SCHOOL ADMINISTRATION

TEXT-BOOK SERIES

EDITED BY PAUL MONROE, PH.D.

STATE AND COUNTY EDUCATIONAL REORGANIZATION.

By ELLWOOD P. CUBBERLEY, PH.D., Professor of Education, Leland Stanford Junior University.

STATE AND COUNTY SCHOOL ADMINISTRATION.

VOL. I. TEXT BOOK OF PRINCIPLES. *In Preparation.*
VOL. II. SOURCE BOOK.

By ELLWOOD P. CUBBERLEY, PH.D., Professor of Education, Leland Stanford Junior University, and EDWARD C. ELLIOTT, PH.D., Professor of Education, University of Wisconsin.

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VOL. II
SOURCE BOOK

BY

ELLWOOD P. CUBBERLEY

PROFESSOR OF EDUCATION, LELAND STANFORD JUNIOR UNIVERSITY

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ANALYTICAL TABLE OF CONTENTS

PAGE

INTRODUCTION xix

DIVISION I

AMERICAN FEDERAL AND STATE POLICY

CHAPTER I. EDUCATION AS A STATE FUNCTION

I. EDUCATION AND SOCIAL THEORY: DEMOCRACY AND EDUCATION 3
1. The Boundaries of State Action: WILSON, WOODROW, *The State* 4
2. The Environmental Influence of the State: MCKECHNIE, W. S., *The State and the Individual* 7
3. Education and the Police Power of the State: *Interstate Consolidated Street Railway Company* v. *Commonwealth of Massachusetts* 8

II. EDUCATION AS A CIVIC RESPONSIBILITY: COLONIAL CONCEPTIONS 11

III. EDUCATION LEFT TO THE STATES 12
1. Federal Constitution, Article X 12
2. Vermont, Constitutions, 1777, 1787 13
3. Massachusetts, Constitution, 1780 14
4. New Hampshire, Constitution, 1784 15
5. Pennsylvania, Constitutions, 1776, 1790, 1838 . . . 16
6. Delaware, Constitution, 1792 16
7. North Carolina, Constitution, 1776 17
8. Georgia Constitutions, 1777, 1798 17
9. Tennessee, Constitution, 1796 17

CHAPTER II. NATIONAL AID FOR EDUCATION

I. LAND GRANTS FOR COMMON SCHOOLS 18
1. Disposal of the National Lands 18
The First Survey: Ordinance of 1785 19
Ordinance of 1787 20
Petitions for Land — Mississippi 21
2. Ohio establishes a Type and a Policy 23
Enabling Act of 1802 23

PAGE

Supplementary Act of 1803 24
Mississippi Territory Act of 1803 25
Tennessee Grants of 1806 26
3. Later Types of Grants 28
The Illinois Type 28
The Michigan Type — Petition to Congress . . . 29
The Fractional Township Grants 30
The New Oregon Type 31
The Utah Type 32
Table showing Grants for Common Schools . . . 33
4. Lease and Sale of the Lands 34
Ohio Memorial 34
Permission Granted 36
5. Protests of the Older States 37
Maryland; New Hampshire 38
Kentucky 41
6. Proposition to grant Land to the Old States . . . 44
Report of 1821 44

II. Other Grants for Common Schools 46
1. Saline Grants, with Table 46
2. The Five per Centum Fund, with Table 47
3. The Surplus Revenue Distribution 49
Proposals; Bill of 1836 51
Summarized History of the Deposits 52
4. Internal Improvement Act of 1841; Tables . . . 57
Table of Specific Grants since 1889 62
5. Swamp Land Grants 63
6. Forest Income Grants 64
7. Recent Enabling Acts; Colorada; Dakotas . . . 66
Oklahoma 67

III. Value of The Grants for Common Schools 71
1. States admitted before 1825 71
2. States admitted after 1825 and before 1850 . . . 73
3. States admitted from 1850 to 1880 75
4. States admitted since 1880 77

IV. National Aid to Higher Education 79
1. Seminary Township Grants 79
2. Proposition to grant Land for Universities, 1819 . . 81
3. The Land Grant Colleges 83
Petition of Michigan; Buchanan's Veto 84

PAGE

The Morrill Act of 1862 86
Experimental Station Grant of 1887 90
Endowment Grant of 1890 and 1907 96
4. Tables showing the Value of these Grants . . . 99
The Agricultural-Extension Act of 1914 100

V. Proposals for Special Grants to Public Schools . . 104
1. The Hoar and Blair Bills 104
2. Table showing Unappropriated National Lands . . 108

CHAPTER III. FEDERAL AGENCIES FOR EDUCATION

I. Federal Appropriations for Education 109
1. Appropriations by the United States Government for the Advancement of Education for the Fiscal Year ending June 30, 1914 110
2. Special Appropriations by the United States Government to National and International Congresses, Scientific Associations, etc., for the Fiscal Year ending June 30, 1914 117
3. Appropriations for the United States Department of Agriculture for the Fiscal Year ending June 30, 1914 . 118

II. The Smithsonian Institution 118
Will of James Smithson 119

III. Educational Work of Government Departments . . . 120

IV. The Children's Bureau 121
Act establishing the Children's Bureau (1912) . . . 121

V. The Bureau of Education 122
1. Statutes relating to the Office of Education in the Interior Department 123
2. Comparative Table — Support and Staff — Department of Agriculture and Bureau of Education . . . 124

VI. The Idea of a National University 125

CHAPTER IV. CONTEMPORARY MOVEMENTS FOR NATIONALIZING AMERICAN EDUCATION

I. Education and the Nation
Sixth Annual Report, Carnegie Foundation for the Advancement of Teaching 126

II. Increased National Aid 131
Proposed Bill for Promotion of Vocational Education (1914) 132

DIVISION II

STATE ADMINISTRATIVE ORGANIZATION

CHAPTER V. THE STATE THE UNIT IN EDUCATION

PAGE

I. The State Constitutions 143

II. The School Laws 143

1. The Development of State Control in New York: Fairlie, J. A., *The Centralization of Administration in New York State* 143

2. Later Development in New York: Cubberley, E. P., in Monroe, Paul, Encyclopædia of Education, Vol. IV, pp. 463–4 151

III. The Jurisdiction of the State: Judicial Interpretations 153

1. State *versus* Local Authority: *State* v. *Haworth* (Indiana) 153

2. Power of State Educational Officers: *Hutchinson* v. *Skinner* (New York) 156

IV. State Unity and Educational Reform

Report of the Special Educational Commission for Connecticut (1909) 163

CHAPTER VI. ORIGIN OF THE UNITS AND FORMS FOR LOCAL CONTROL

I. The Evolution of the District System 173

II. Compulsory Town Maintenance of Schools

Commonwealth *v.* Dedham (Massachusetts) 173

III. The Struggle to Establish the Township System in Indiana 173

Rawles, W. A. (*Centralizing Tendencies in the Administration of Indiana*) 178

CHAPTER VII. THE DISTRICT UNIT AND THE DISTRICT SYSTEM

I. Formation of Districts and Alteration of Boundaries . 185

II. The School District Meeting 186

III. Methods of Electing Trustees 186

IV. Powers and Duties of School Trustees 187

1. Illinois 187

2. Alabama 193

PAGE

V. Comments on the District System by School Officers . 195
1. Cassidy, M. A., *Some Needed Legislation in Kentucky* . 196
2. Wright, L. L., *Auditing District Accounts* (Michigan) . 200
3. Blair, F. G., *Waste in Education* (Illinois) . . . 205
4. Fairchild, E. T., *A Larger Unit of School Organization* (Kansas) 208
5. Rural School Conditions, District System
Missouri 210
Colorado 210
The District Treasurer — Iowa 211
Miscellaneous 211

CHAPTER VIII. THE TOWN AND TOWNSHIP SYSTEMS

I. The New England Town System 213
II. The Township System 215
III. Comments on Town and Township Systems 215
1. The Township Unit System — Michigan 216
2. Some Objections to the Township System — Illinois . . 220
3. Opinions of State School Officers 224

CHAPTER IX. THE COUNTY UNIT

I. The County Superintendent and the District System, California 229
II. Need of a Change in the Method of Electing County Superintendents
1. Fundamental Weaknesses of Present System, Wisconsin 232
2. The Work of a County Superintendent, Wisconsin . . 233
3. The County School Superintendent, Oregon . . . 234
4. The County Superintendent's Powers, Missouri . . 235
5. County and City Superintendents Compared, South Carolina 236
6. The County Superintendency and Politics, Editorial . 237
III. Need of a Larger Administrative Unit
1. A Larger Administrative Unit Needed, Oregon . . 238
2. The County as a School Unit, Missouri 239
3. Recommended Legislation, Missouri 239
4. The Advantages of a County Board of Education, Illinois 240
IV. The Maryland Form of County Educational Organization, Gambrill, J. M. 241
V. The County Unit in Educational Organization in Georgia, Evans, L. B. 246

CHAPTER X. THE RURAL SCHOOL PROBLEM

PAGE

I. The Approval of Rural Schools, Missouri 250
II. Some Rural School Difficulties, Texas 253
III. The Consolidation of Rural Schools, Ohio 255
IV. Consolidation in District-System States, Missouri . . 258
V. Consolidation in Township-System States, Indiana . . 264
VI. Consolidation under the County Unit 274
1. Fundamental Rural Needs in Missouri 274
2. A Larger Unit of School Organization, Kansas . . . 276
3. Rural School Needs in Vermont 278

CHAPTER XI. STATE EDUCATIONAL ORGANIZATION

I. Evolution of the State Superintendency. 282
II. Duties of the State Superintendent (Oregon) . . . 282
III. The Office of State Superintendent
Reed, Thomas H., A Constitutional State Board of Education 291
IV. State Boards of Education 292
1. Oregon 293
2. Indiana 294
3. Oklahoma 296
V. State Educational Organization 298
1. The State Board of Education: Reed, Thomas H., A Constitutional State Board of Education . . . 298
2. Advantages of a State Board of Education: Final Report of Illinois Educational Commission 301
3. The Reorganization of the Agencies for Administration, Study of Education in Vermont — Carnegie Foundation for the Advancement of Teaching . . . 304
4. A Right System of Schools for an American Commonwealth 311

DIVISION III

EXTENT OF THE EDUCATIONAL SYSTEM

CHAPTER XII. ELEMENTARY EDUCATION

I. Constitutional Prescriptions
Oklahoma 319

PAGE

II. Statutory Requirements
1. California 320
2. Massachusetts 323

III. Administrative Regulations
Virginia 326

IV. Standardization of Elementary Schools by State Subsidy (Minnesota) 327

V. Need for Elementary Education. Illiteracy . . . 330

VI. Reorganization of Elementary Education 334

CHAPTER XIII. SECONDARY EDUCATION

I. The Status of the Public High School as a Common School 336
Board of Education *v.* Dick (Kansas) 336

II. How Far the Public High School is a Just Charge upon the Public Treasury
Hill, Frank A., Massachusetts State Board of Education, 1898 341

III. An Efficient System of Schools for an American Commonwealth
Iowa State Board of Education 345

IV. Are the Two Functions at Present Fulfilled by the High School Compatible?
Fifth Annual Report, Carnegie Foundation for the Advancement of Teaching, 1910 347

V. The Reorganization of Education
Third Annual Report, Carnegie Foundation for the Advancement of Teaching, 1908 351

VI. Reorganization of Secondary Education
Report of the Committee on Economy of Time of the National Education Association 352

VII. Standards of Accrediting Secondary Schools
North Central Association of Colleges and Secondary Schools 355

VIII. Standardization of Secondary Schools by State Subsidy (Minnesota) 357

CHAPTER XIV. INDUSTRIAL EDUCATION

I. Public Education and Industrial Training
1. The Unity of the Public Educational System
Dewey, John, An Undemocratic Proposal . . 365

PAGE

2. The Distinction between a System of General Education and a System of Industrial and Technical Education: Fifth Annual Report, Carnegie Foundation for the Advancement of Teaching (1910) 369
3. Vocational Education: Report of the Federal Commission on National Aid to Vocational Education . 370

II. The State System of Vocational Education
1. Principles and Policies that Should Underlie State Legislation for a State System of Vocational Education: National Society for the Promotion of Industrial Education (1913) 375
2. Wisconsin Law: Vocational Schools 379

CHAPTER XV. SUPPLEMENTAL EDUCATION

I. The Schoolhouse as a Social Center
Wilson, Woodrow, The Social Center; A Means of Common Understanding 386

II. The Wisconsin Free Library Commission 394

III. Farmers' Institutes
Hamilton, John, Farmers' Institutes and Agricultural Extension Work in the United States . . . 398

IV. University Extension
Van Hise, Charles R., in Biennial Report of the Regents of the University of Wisconsin, 1906–1908 . . 402

V. The State Board of Health
What the State Board of Health of Idaho Does . . . 405

CHAPTER XVI. HIGHER AND PROFESSIONAL EDUCATION

I. Types of State Systems of Higher Education
Sixth Annual Report, Carnegie Foundation for the Advancement of Teaching (1911) 407

II. New York Scholarship Law (1913) 413

III. State Aid without State Control
Seventh Annual Report, Carnegie Foundation for the Advancement of Teaching (1912) 416

IV. An Adequate System of Educational Scrutiny and Administration
Fifth Annual Report, Carnegie Foundation for the Advancement of Teaching (1910) 419

PAGE

V. Iowa State Board of Education 421

VI. Duplications of Work among State Institutions
Second Annual Report, Iowa State Board of Education (1912) 424

VII. Professional Education
Sixth Annual Report, Carnegie Foundation for the Advancement of Teaching (1911) 429

VIII. State Supervision of Degree-Conferring Institutions
Rogers, Henry Wade 431

IX. The University and the State
Van Hise, Charles R. 435

DIVISION IV

FINANCING THE SCHOOL SYSTEM

CHAPTER XVII. FUNDS AND TAXATION

I. History of The Massachusetts School Fund
Sixty-fourth Annual Report, Massachusetts State Board of Education, 1899–1900 443

II. The Wisconsin Common School Fund
Wells, Oliver E. 447

III. The Minnesota School Fund
Schmahl, J. A., Conservation in Minnesota by Early Pioneers 451

IV. Theory on which Taxation for Public Education is Based
Report of the Virginia Educational Commission, 1912 . 454

V. State Requirements; Inequalities of School Burdens; State Aid
Hill, Frank A., Sixty-second Annual Report, Massachusetts State Board of Education, 1897–1898 . . 457

VI. Inequalities in Taxing Power for Schools in Illinois
Manchester, O. L., Twenty-eighth Biennial Report, Superintendent of Public Instruction of Illinois, 1908–1910 460

CHAPTER XVIII. APPORTIONMENT AND SUBSIDIES

I. Michigan: Distribution of State School Money
Report, Superintendent of Public Instruction, 1909–1910 . 471

PAGE

II. The Distribution of School Revenues: Ohio
Report of the Ohio School Revenue Commission, 1907 . . 476

III. State Support: Educational Standards: Apportionment of Funds
Study of Education in Vermont, Carnegie Foundation for Advancement of Teaching (1914) 481

IV. Examples of Good Apportionment Laws 484
1. The Missouri Apportionment Law 485
2. The California Apportionment Law 488
3. The New Jersey Subsidy-Apportionment Law . . . 491

DIVISION V

MATERIAL ENVIRONMENT AND EQUIPMENT

CHAPTER XIX. CONTROL OF SCHOOL BUILDINGS

I. Responsibility of School Officers
Conklin *v.* School District No. 37 (Kansas) 498

II. Ohio State Building Code 500

III. The Social Usefulness of the School Plant . . . 525
Spencer *v.* Joint School District No. 6 (Kansas) . . . 526

IV. Wider Use of School Buildings 528
Wisconsin Law, 1913 529

CHAPTER XX. HEALTH AND SANITARY CONTROL

I. Medical Inspection
Massachusetts Law, 1906 531

II. Regulation by State Boards of Health
Wisconsin Regulations, 1913 533

III. Vaccination 536
Viemeister *v.* White (New York) 537

IV. Provision for Physical Welfare
State *v.* Chelan County (Washington) 541

CHAPTER XXI. TEXT-BOOKS AND SUPPLIES

I. The California Text-book System
Editorial: Sierra Educational News (1911) 544

PAGE

II. Miscellaneous Editorials
1. School Books and Home Industry: Editorial, Houston (Texas) *Post*, 1907 558
2. About Home-Printed Text-books: Editorial, Houston (Texas) *Post*, 1907 560
3. Foolish Text-book Legislation: Editorial, *Dial*, 1909 . 561

III. Report of the Georgia School Book Investigating Committee 563

DIVISION VI

THE STATE AND THE TEACHER

CHAPTER XXII. THE TRAINING OF TEACHERS

I. Transforming Normal Schools into Colleges
Seventh Annual Report, Carnegie Foundation for the Advancement of Teaching (1912) 573

II. The Problem of the Training of Teachers for the Public Schools of Iowa: Duplication of Work between the Iowa State Teachers' College and the State University
1. Second Biennial Report, Iowa State Board of Education 576
2. Letter from Dean Russell on Duplication . . . 578

III. Training Classes in High Schools 582
1. Normal and Industrial Training in High Schools: Eighteenth Biennial Report, Superintendent of Public Instruction, Kansas, 1911–1912 582
2. High School Training Classes in South Carolina: Tate, W. K., in Forty-third Annual Report, State Superintendent of Education for South Carolina, 1911 . 588

CHAPTER XXIII. THE CERTIFICATION OF TEACHERS

I. The Licensing of Teachers in Indiana
Rawles, W. A., The Centralization of Administration in Indiana 590

II. The Certification of Teachers in the United States
Cubberley, E. P., Fifth Year Book of the National Society for the Scientific Study of Education (1906) . . 595

PAGE

III. Power to Grant, Renew, Suspend, and Revoke Certificates to Teach
Final Report, Illinois Educational Commission (1909) . . 599

CHAPTER XXIV. APPOINTMENT, TENURE, PAY AND PENSIONS

I. Can the Present Efficiency of the Schools be Maintained?
Cotton, F. A., Twenty-fourth Biennial Report, Superintendent of Public Instruction of Indiana (1908) . . 607

II. Indiana Minimum Wage Law (1907) 612

III. A Feasible Pension System for Public School Teachers
Seventh Annual Report, Carnegie Foundation for the Advancement of Teaching (1912) 613

CHAPTER XXV. IMPROVING TEACHERS IN SERVICE

I. A Substitute for the Teachers' Institute
Reynolds, J. E., Sierra Educational News 621

II. Teachers' Institutes
California Law 626

III. History of the Indiana Teachers' Reading Circle . . 627

DIVISION VII

THE OVERSIGHT OF THE STATE

CHAPTER XXVI. THE STATE AND THE CHILD

I. Compulsory Education and Child Labor
1. Giddings, F. H., Social and Legal Aspect of Compulsory Education and Child Labor 636
2. Massachusetts School Attendance and Child Labor Law (1913) 638

CHAPTER XXVII. THE EDUCATION OF SPECIAL CLASSES

I. Defectives
Classification of Exceptional Children 655

PAGE

II. Dependents
White House Conference on the Care of Dependent Children: Message of President Roosevelt to Congress (1909) . 659

III. Delinquents
Mack, Julian W., The Law and the Child 669

CHAPTER XXVIII. THE CHURCH AND EDUCATION

I. Catholic Parochial Schools
1. Ireland, John (Archbishop), State Schools and Parish Schools — Is Union between them Impossible? . . 679
2. Satolli, Francis (Archbishop), For the Settling of the School Question and the Giving of Religious Education 687

II. Religious Instruction and Public Schools
Recommendation of Federal Council of Churches . . . 692

III. The Church and State Universities 693
Report of Conference of Church Workers in State Universities 694

IV. Young Men's Christian Associations
Hodge, George B., Educational Work of Young Men's Christian Associations 696

CHAPTER XXIX. NON-STATE EDUCATIONAL AGENCIES

I. The Great Foundations 700
1. Carnegie Institution of Washington: Trust Deed . . 701
2. General Education Board 704
3. Russell Sage Foundation 708

II. Voluntary Associations 711

INTRODUCTION

In a companion volume of *Principles*, to be issued shortly, the authors of this volume of *Sources* have elaborated the principles underlying state educational control which have grown out of American experience with the public school systems of the states. These principles, promising, as they do, to become a guide for the solution of the difficult political problem of adapting the form and operation of educational institutions to the changes constantly demanded by the progressive evolution of our civilization, are, we feel, entitled to the serious study of both educationalists and publicists.

The present volume of *Sources* seeks to make readily accessible to students of educational administration some of the more important material illustrative of the principles of proper state and county school administration. No attempt has been made to include material that would comprehend all of the varied features of educational administration, but rather to parallel the book of *Principles* with a few of the more pertinent documents, arranged under the same divisions and chapter headings into which the book of *Principles* will be divided. It is believed that the present volume contains typical records reflecting the ideas and practices that have molded and still continue to influence the form of our educational organization, the manner of our educational administration, and, without question, the ultimate results of the school systems of the United States.

The underlying purpose of the two volumes on *State and County School Administration* will be to distinguish, in what appears to be a conglomerate mass of hit-and-miss experiments, those fundamental principles of educational organization and administration which American democracy has developed for the operation and control of its systems of public education. The material contained in this volume, as well as the subject

matter of the companion volume, has been collected and tested in class use in the two institutions which the two authors represent. Portions of the material have also been used with summer-session classes in other institutions.

The first of the authors of this series has also further elaborated the principles underlying proper state and county school administration in his *State and County Educational Reorganization.* In this volume the principles set forth in this series have been given concrete expression in the form of a Constitution and detailed School Code for a hypothetical American state. The second of the authors of this series expects to publish in the immediate future a volume of *Legal Decisions relating to Education,* in which the fundamental questions of public educational policy and of administrative procedure, as interpreted by our highest courts, are set forth. These two volumes may be considered as additional source books, each of a different type, to illustrate the forthcoming volume of *Principles.*

The authors desire to record their indebtedness to those many educational officers from whose official reports material has been freely taken. It is very appropriate, furthermore, to acknowledge with appreciation the timely assistance given by President Henry S. Pritchett of the Carnegie Foundation for the Advancement of Teaching, Professor John Dewey of Columbia University, Professor John A. Fairlie of the University of Illinois, Professor W. A. Rawles of the University of Indiana, Professor Thomas H. Reed of the University of California, Honorable Julius A. Schmahl, Secretary of State of Minnesota, Judge Julian W. Mack, formerly judge of the Chicago Juvenile Court, Dr. Leonard P. Ayres of the Russell Sage Foundation and President Charles R. Van Hise of the University of Wisconsin, through their courteous permission to incorporate, in this volume, selections from their writings and public addresses. The publishers of McKechnie's *The State and the Individual* — James Maclehose and Sons of Glasgow — and of Wilson's *The State* — D. C. Heath and Company of New York — have generously authorized the reprinting of certain extracts from these works. The editor of *Vocational Education,* Dr. Charles A. Bennett, and the editor of *The Survey,*

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For his valuable assistance in the reading of the proofs, and in the preparation of the index, the authors have been placed under exceptional personal obligations to Mr. H. G. Hotz of the University of Wisconsin.

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AUGUST 11, 1915.

DIVISION I

AMERICAN FEDERAL AND STATE POLICY

CHAPTERS I–IV

CHAPTER I

EDUCATION AS A STATE FUNCTION

I. Education and Social Theory

Democracy and Education. — The twentieth century seeks consciously to express the reality of democracy in terms of education; to humanize education through the mechanisms of democracy. The foremost efforts and the dominant ideals of our civilization are symbolized through these two ideas — democracy and education. The former represents the goal of social progress; the latter, the chief instrument for the attainment of individual development as the necessary condition for carrying the load of common social obligations.

The easily discernible tendency in the evolution of the modern state is toward an increased state foundation of a universal system of education. The state approaches democracy in direct proportion to the universality of its education; education becomes universal just to the degree to which it is regarded as one of the essential functions of the state.

The growth of democracy as a modern social order has resulted in a remarkable increase and extension of the functions of the state, little anticipated by the political pioneers of the eighteenth and early nineteenth centuries. Education, naturally seized upon by the interpreters and leaders of democracy as the chief instrumentality for the realization of the human purposes residing in free constitutions and in representative government, exhibits both in form and magnitude its intimate relationship to the state. No other of the fundamental social enterprises bears more clearly the stamp of state authority, of state power, and of state stimulation and dependence.

While the direct responsibility of the political state for popular education may be counted among the primary conceptions of democracy, it has required several generations of American life to overcome the antagonistic social circumstances. Even now it may be said that another generation or two will pass before education, by and through the state, will be generally accepted as the ordinary means for the accomplishment of the extraordinary ends of providing a complete individual basis for social stability and progress and also an enduring social environment for the exercise of individual capabilities.

Out of the great mass of material dealing with state education, from the point of view of social theory, the following representative interpretations have been selected as illustrative of a positive attitude toward the question of education in the proper functioning of the state.

1. *The Boundaries of State Action*

[From Wilson, Woodrow, *The State* (Boston, 1900, Rev. Ed.), pp. 637–639.]

Natural Limits to State Action. — And that there are natural and imperative limits to state action no one who seriously studies the structure of society can doubt. The limit of state functions is the limit of *necessary coöperation* on the part of society as a whole, the limit beyond which such combination ceases to be imperative for the public good and becomes merely convenient for industrial or social enterprise. Coöperation is necessary in the sense here intended when it is indispensable to the equalization of the conditions of endeavor, indispensable to the maintenance of uniform rules of individual rights and relationships, indispensable because to omit it would inevitably be to hamper or degrade some for the advancement of others in the scale of wealth and social standing.

There are relations in which men invariably have need of each other, in which universal coöperation is the indispensable condition of even tolerable existence. Only some universal authority can make opportunities equal as between man and man. The divisions of labor and the combinations of commerce may for the most part be left to contract, to free individual arrangement, but the equalization of the conditions which affect all alike may no more be left to individual initiative than may the organization of

government itself. Churches, clubs, corporations, fraternities, guilds, partnerships, unions, have for their ends one or another special enterprise for the development of man's spiritual or material well-being: they are all more or less advisable. But the family and the state have as their end a general enterprise for the betterment and equalization of the conditions of individual development: they are indispensable.

The point at which public combination ceases to be imperative is not susceptible of clear indication in general terms; but it is not on that account indistinct. The bounds of family association are not indistinct because they are marked only by the immaturity of the young and by the parental and filial affections, — things not all of which are defined in the law. The rule that the state should do nothing which is equally possible under equitable conditions to optional associations is a sufficiently clear line of distinction between governments and corporations. Those who regard the state as an optional, conventional union simply, a mere partnership, open wide the doors to the worst forms of socialism. Unless the state has a nature which is quite clearly defined by that invariable, universal, immutable mutual interdependence which runs beyond the family relations and cannot be satisfied by family ties, we have absolutely no criterion by which we can limit, except arbitrarily, the activities of the state. The criterion supplied by the native necessity of state relations, on the other hand, banishes such license of state action.

The state, for instance, ought not to supervise private morals because they belong to the sphere of separate individual responsibility, not to the sphere of mutual dependence. Thought and conscience are private. Opinion is optional. The state may intervene only where common action, uniform law, are indispensable. Whatever is merely convenient is optional, and therefore not an affair for the state. Churches are spiritually convenient; joint-stock companies are capitalistically convenient; but when the state constitutes itself a church or a mere business association it institutes a monopoly no better than others. It should do nothing which is not in any case both indispensable to social or industrial life and necessarily monopolistic.

The Family and the State. — It is the proper object of the family to mold the individual, to form him in the period of immaturity in the faiths of religion and in the practice of morality and obedience. This period of subordination over, he is called out into an independent, self-directive activity. The ties of family affection still bind him, but they bind him with silken, not with iron bonds. He has left his "minority" and reached his "majority." It is

the proper object of the state to give leave to his individuality, in order that that individuality may add its quota of variety to the sum of national activity. Family discipline is variable, selective, formative: it must lead the individual. But the state must not lead. It must create condition, but not mold individuals. Its discipline must be invariable, uniform, impersonal. Family methods rest upon individual inequality, state methods upon individual equality. Family order rests upon tutelage, state order upon franchise, upon privilege.

The State and Education. — In one field the state would seem at first sight to usurp the family function, the field, namely, of education. But such is not in reality the case. Education is the proper office of the state for two reasons, both of which come within the principles we have been discussing. Popular education is necessary for the preservation of those conditions of freedom, political and social, which are indispensable to free individual developments. And, in the second place, no instrumentality less universal in its power and authority than government can secure popular education. In brief, in order to secure popular education the action of society as a whole is necessary; and popular education is indispensable to that equalization of the conditions of personal development which we have taken to be the proper object of society. Without popular education, moreover, no government which rests upon popular action can long endure: the people must be schooled in the knowledge, and if possible in the virtues, upon which the maintenance and success of free institutions depend. No free government can last in health if it lose hold of the traditions of its history, and in the public schools these traditions may be and should be sedulously preserved, carefully replanted in the thought and consciousness of each successive generation.

Historical Conditions of Governmental Action. — Whatever view be taken in each particular case of the rightfulness or advisability of state regulation and control, one rule there is which may not be departed from under any circumstances, and that is the rule of historical continuity. In politics nothing radically novel may safely be attempted. No result of value can ever be reached in politics except through slow and gradual development, the careful adaptations and nice modifications of growth. Nothing may be done by leaps. More than that, each people, each nation, must live upon the lines of its own experience. Nations are no more capable of borrowing experience than individuals are. The histories of other peoples may furnish us with light but they cannot furnish us with conditions of action. Every nation must constantly

keep in touch with its past; it cannot run towards its ends around sharp corners.

Summary. — This, then, is the sum of the whole matter: the end of government is the *facilitation* of the objects of society. The rule of governmental action is necessary coöperation. The method of political development is conservative adaptation, shaping old habits into new ones, modifying old means to accomplish new ends.

2. *The Environmental Influence of the State*

[From McKechnie, W. S., *The State and the Individual* (Glasgow, 1896), pp. 363–364.]

The child comes into the world a bundle of undeveloped potentialities, void of experience and thought. The environment and external circumstances necessary for the growth of his mind and body are all supplied by the state. This is true, although not all nor even the chief part of them are imparted to the child directly by the officials of the government or by the laws or other organs of the state. The immediate environment depends on the influence of the family and of other institutions and agencies included in and controlled by the state. The child may have "innate ideas" in the sense of that *a priori* element which is one of the prerequisites of all conscious existence; but the equally necessary *a posteriori* element can be got only from experience; and the sphere of the state, or of various parts of the state, is the only school where experience is possible for him. He is born into the commonwealth, and from the day of his birth the rights of citizenship, which he cannot actually enjoy till he has acquired full age, are held in trust for him by the state. It is true that it is the family whose influences at first surround him, molding his earliest tendencies and aspirations after its traditions, but the family itself would be empty of content except for what flows into it from society and the state. The community as a whole, then, is the environment of the individual. It is the state which fills him with its own ideas and molds him after its own pattern. The English youth grows up with habits and ideas quite absent in the Zulu or even in the Frenchman. Allowing all due claims for heredity — though this too has been indirectly supplied by the state through ancestors who were themselves its members — his environment has made him what he is.

The state then — using the word in its widest sense — puts its stamp on the young individuality before he has reached manhood and acquired the ability to choose his own surroundings.

Willingly or unwillingly, it educates the individual and so has a terrible responsibility thrust upon its shoulders. The young mind as well as the young body is thrown upon its care during the important and impressionable years fated to mold the development of an immortal soul for time and for eternity. This trust, burdensome and disquieting as it is, is yet one which the state dare not decline.

Its duty to the young cannot be brushed aside or lightly treated. But it has also a duty to itself. In each helpless child lies a future citizen who will form an organic portion of the commonwealth, and may exercise a deep and lasting influence on its destinies. All children cannot become great statesmen, but all great statesmen once were children.

On these two grounds the state has both a right and a duty to include the education of the young within its proper province. Indeed it must educate whether it will or no. The only question is whether it will do so consciously or unconsciously, systematically or at random, well or ill. Government need not undertake the work of education, but the supreme legislative sovereign is forced to assume some attitude towards that all-important question.

There are three positions, any one of which Parliament may adopt. (I) It may repudiate all direct responsibility, leaving each child to scramble for itself. (II) It may compel parents to educate their offspring at their own expense. (III) It may enforce education upon all and pay for it out of the national purse. Each of these three courses has its adherents.

3. *Education and the Police Power of the State*

[Interstate Consolidated Street Railway Company *v.* Commonwealth of Massachusetts (United States Supreme Court; argued October 15–16, 1907; decided November 4, 1907), 207 U. S., 79.]

In error to the superior court of the state of Massachusetts to review a conviction of a street railway company, on appeal from the first district court of Bristol County, in that state, for refusing to transport school children at a reduced rate, exceptions having been heard by the supreme judicial court and overruled. Affirmed.

Mr. Justice Holmes delivered the opinion of the court.

This was a complaint against the plaintiff in error for refusing to sell tickets for the transportation of pupils to and from the public

schools at one half the regular fare charged by it, as required by Massachusetts Revised Laws, chapter 112, section 72. At the trial the railway company admitted the fact, but set up that the statute was unconstitutional, in that it denied to the company the equal protection of the laws and deprived it of its property without just compensation and without due process of law. In support of this defense it made an offer of proof which may be abridged into the propositions that the regular fare was 5 cents; that during the last fiscal year the actual and reasonable cost of transportation per passenger was 3.86 cents, or, including taxes, 4.10 cents; that pupils of the public schools formed a considerable part of the passengers carried by it, and that the one street railway expressly exempted by the law transported nearly one half the passengers transported on street railways and received nearly one half the revenue received for such transportation in the commonwealth. The offer was stated to be made for the purpose of showing that the plaintiff in error could not comply with the statute without carrying passengers for less than a reasonable compensation and for less than cost. The offer of proof was rejected, and a ruling that the statute was repugnant to the fourteenth amendment was refused. The plaintiff in error excepted and, after a verdict of guilty and sentence, took the case to the supreme judicial court. (187 Mass., 436.) The court overrules the exceptions, whereupon the plaintiff in error brought the case here.

This court is of opinion that the decision below was right. A majority of the court considers that the case is disposed of by the fact that the statute in question was in force when the plaintiff in error took its charter, and confines itself to that ground.

* * * * * * *

The objection that seems to me, as it seemed to the court below, most serious is that the statute unjustifiably appropriates the property of the plaintiff in error. It is hard to say that street railway companies are not subjected to a loss. The conventional fare of 5 cents presumably is not more than a reasonable fare, and it is at least questionable whether street railway companies would be permitted to increase it on the ground of this burden. It is assumed by the statute in question that the ordinary fare may be charged for these children or some of them when not going to or from school. Whatever the fare, the statute fairly construed means that children going to or from school must be carried for half the sum that would be reasonable compensation for their carriage, if we looked only to the business aspect of the question.

Moreover, while it may be true that in some cases rates or fares may be reduced to an unprofitable point in view of the business as a whole or upon special considerations (Minneapolis & St. Louis R. R. Co. *v.* Minnesota, 186 U. S., 256, 267), it is not enough to justify a general law like this, that the companies concerned still may be able to make a profit from other sources, for all that appears. (Atlantic Coast Line R. R. Co. *v.* North Carolina Corporation Commission, 206 U. S., 1, 24, 25.)

Notwithstanding the foregoing considerations, I hesitatingly agree with the state court that the requirement may be justified under what commonly is called the "police power." The obverse way of stating this power in the sense in which I am using the phrase would be that constitutional rights, like others, are matters of degree, and that the great constitutional provisions for the protection of property are not to be pushed to a logical extreme, but must be taken to permit the infliction of some fractional and relatively small losses without compensation, for some, at least, of the purposes of wholesome legislation. (Martin *v.* District of Columbia, 205 U. S., 135, 139; Camfield *v.* United States, 167 U. S., 518, 524.)

If the fourteenth amendment is not to be a greater hamper upon the established practices of the states in common with other governments than I think was intended, they must be allowed a certain latitude in the minor adjustments of life, even though by their action the burdens of a part of the community are somewhat increased. The traditions and habits of centuries were not intended to be overthrown when the amendment was passed.

Education is one of the purposes for which what is called the "police power" may be exercised. (Barbier *v.* Connolly, 113 U. S., 27, 31.) Massachusetts always has recognized it as one of the first objects of public care. It does not follow that it would be equally in accord with the conceptions at the base of our constitutional law to confer equal favors upon doctors or workingmen or people who could afford to buy 1000-mile tickets. Structural habits count for as much as logic in drawing the line. And, to return to the taking of property, the aspect in which I am considering the case, general taxation to maintain public schools is an appropriation of property to a use in which the taxpayer may have no private interest, and, it may be, against his will. It has been condemned by some theorists on that ground. Yet no one denies its constitutionality. People are accustomed to it and accept it without doubt.

The present requirement is not different in fundamental principle, although the tax is paid in kind and falls only on the class

capable of paying that kind of tax — a class of quasi-public corporations specially subject to legislative control. Thus the question narrows itself to the magnitude of the burden imposed — to whether the tax is so great as to exceed the limits of the police power. Looking at the law without regard to its special operation I should hesitate to assume that its total effect, direct and indirect, upon the roads outside of Boston amounted to a more serious burden than a change in the law of nuisance, for example, might be. See further Williams *v.* Parker (188 U. S., 491). Turning to the specific effect, the offer of proof was cautious. It was simply that a "considerable percentage" of the passengers carried by the company consisted of pupils of the public schools. This might be true without the burden becoming serious. I am not prepared to overrule the decision of the legislature and of the highest court of Massachusetts, that the requirement is reasonable under the conditions existing there, upon evidence that goes no higher than this. It is not enough that a statute goes to the verge of constitutional power. We must be able to see clearly that it goes beyond that power. In case of real doubt a law must be sustained.

Mr. Justice Harlan is of the opinion that the constitutionality of the act of 1900 is necessarily involved in the determination of this case. He thinks the act is not liable to the objection that it denies to the railway company the equal protection of the laws. Nor does he think that it can be held, upon any showing made by this record, to be unconstitutional as depriving the plaintiff in error of its property without due process of law. Upon these grounds alone, and independent of any other question discussed, he joins in a judgment of affirmance. Judgment affirmed.

II. Education as a Civic Responsibility

Colonial Conceptions. — The first permanent outposts of public education were established by the colonials of New England; conspicuously by those of Massachusetts. The acts of the General Court of the Massachusetts Bay Colony of 1642 and 1647 are illuminative in that they contain a definite declaration in support of the principle of the responsibility of the commonwealth for the creation and maintenance of common educational opportunities. From this germinal principle there came the potent influences that have ever been exercised by Massachusetts throughout the United States.

Principles similar to those involved in the early Massachusetts laws were incorporated by Thomas Jefferson in his famous "Bill for the More General Diffusion of Knowledge," submitted to the Virginia legislature in 1779. The realization of Jefferson's ideals awaited many years, and the actual acceptance on any large scale of the state responsibility for education was far more belated in the other states of the Union than in New England. The New York statutes of 1791, being the first relating to elementary schools, and that of 1795 establishing a school system temporarily reveal this.

All of the sources mentioned above are necessarily eliminated from this collection, since they are to be incorporated in a companion piece to this source book, on *Sources in the History of Education in the United States.*

III. Education Left to the States

Education was left unmentioned in the new Federal Constitution, and the tenth amendment left the matter entirely to the states. This amendment reads:

> Art. X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

During the period from the adoption of the Declaration of Independence to the close of the eighteenth century (1776–1800), all of the states, except Connecticut and Rhode Island, which considered their Colonial Charters sufficient, adopted new constitutions, and a number revised or amended their constitutions one or more times. Three new states, Vermont, Kentucky, and Tennessee, were also admitted during this period. Some idea of the conception as to the importance of education, held at this time by the people of the states, may be obtained by an examination of these early state constitutions.

Of these, the state constitutions of New Hampshire, New

Jersey, Delaware, Maryland, Virginia, and South Carolina, in 1776; New York, in 1777; South Carolina, in 1778 and 1790; and Kentucky in 1792 and 1799 were silent on the matter. Connecticut did not adopt a state constitution until 1818, and Rhode Island until 1842, and were likewise silent. Maryland amended its constitution four times, and some of the other states one or more times, without including any mention of education. Of the sixteen states before 1800, half had made no mention whatever of education up to that time. The other half included short sections, which were as follows:

VERMONT, 1. Constitution of 1777

SEC. XL. A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town; making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this State, ought to be established by direction of the General Assembly.

SEC. XLI. Laws for the encouragement of virtue and prevention of vice and immorality, shall be made and constantly kept in force; and provision shall be made for their due execution; and all religious societies or bodies of men, that have or may be hereafter united and incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they, in justice ought to enjoy, under such regulations, as the General Assembly of this State shall direct.

2. Constitution of 1787

CHAP. II, SEC. 38. Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained in each town for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and

estates, which they in justice ought to enjoy under such regulations as the General Assembly of this State shall direct.

This section was also incorporated in the constitution of 1793 unchanged, and is still in force:

Massachusetts, Constitution of 1780

[Part II, Chap. V, The University at Cambridge, and Encouragement of Literature, etc.]

Section 1. — *The university*

Art. 1. Whereas our wise and pious ancestors, so early as the year 1636, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, it is declared, that the president and fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, liberties, privileges, immunities, and franchises which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants respectively, forever.

Art. 2. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances heretofore made, either to Harvard College, in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters successively, it is declared that all the said gifts, grants, devises, legacies, and conveyances are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Art. 3. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year 1642, the governor and deputy governor, for the time being, and all the magistrates of

that jurisdiction, were, with the president, and a number of the clergy, in the said act described, constituted the overseers of Harvard College, and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy governor, and magistrates, it is declared that the governor, lieutenant-governor, council, and senate of this Commonwealth are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the Congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging or in any way appertaining to the overseers of Harvard College: *Provided*, That nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university as shall be conducive to its advantage and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late province of the Massachusetts Bay.

SECTION 2. — *The encouragement of literature*

CHAP. V, SEC. 2. Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar-schools in the towns; to encourage private societies and public institutions, by rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections and generous sentiments among the people.

NEW HAMPSHIRE, Constitution of 1784, and 1792

(The constitution of 1776 had been silent on the subject.)

SEC. 83. Knowledge and learning generally diffused through a community being essential to the preservation of a free govern-

ment, spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislatures and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trade, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments among the people.

PENNSYLVANIA, 1. Constitution of 1776

SEC. 44. A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct youth at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities.

SEC. 45. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution; and all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates which they were accustomed to enjoy, or could of right have enjoyed, under the laws and former constitution of this State.

2. Constitutions of 1790 and 1838

SEC. 1. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the State, in such manner that the poor may be taught *gratis*.

SEC. 2. The arts and sciences shall be promoted in one or more seminaries of learning.

DELAWARE, Constitution of 1792

(The constitution of 1776 had been silent on the subject.)

ART. VIII, SEC. 12. The Legislature shall, as soon as conveniently may be, provide by law for . . . establishing schools, and promoting arts and sciences. [Continued unchanged in the Constitution of 1831.]

North Carolina, Constitution of 1776

41. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged, and promoted, in one or more universities. [Continued unchanged in the Constitution of 1835.]

Georgia, 1. Constitution of 1777

Art. 54. Schools shall be erected in each county, and supported at the general expense of the State, as the Legislature shall hereafter point out.

2. Constitution of 1798

Art. IV, Sec. 13. The arts and sciences shall be promoted, in one or more seminaries of learning; and the legislature shall, as soon as conveniently may be, give such further donations and privileges to those already established as may be necessary to secure the objects of their institution; and it shall be the duty of the general assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Tennessee, Constitution of 1796

Art. I, Sec. 24. No member of the general assembly shall be eligible to any office or place of trust, except to the office of justice of the peace, or a trustee of any literary institution, where the power of appointment to such office is vested in their own body.

With the admission of Ohio, in 1802, the national government began a land-grant policy (see Chap. II) which began to stimulate an interest in public education, and the constitution of Ohio of 1803 (see Chap. V), is the first of the states to show this new interest.

CHAPTER II

NATIONAL AID FOR EDUCATION

I. Land Grants for Common Schools

1. *Disposal of the National Lands*

The Revolutionary War ended in 1783, but it was six years before the national government was instituted under the new Constitution. During this interval the Congress carried on the government, as best it could, but without any settled policy. As the War drew to a close both soldiers and statesmen began to turn their attention to the new west as a field for colonization, but this large territory was disputed as to title, and not open as yet to settlement. A number of the states claimed that their titles extended to the Mississippi, and the claims overlapped. Indian tribes populated the land, and Indian titles also remained to be extinguished before settlement could take place. Gradually the idea of the nationalization of these lands, and the uniting to win from a common enemy, took the place of the idea of state ownership and control, and state after state ceded the lands in question to the national government. Everything north of the Cumberland River had been ceded before the Federal Constitution had been ratified by the requisite number of states.

In the meantime colonists were pushing westward, and the demand for the opening of these lands to purchase and colonization became more insistent. In 1783 Col. Thomas Pickering submitted a series of propositions to Congress for organizing a new state which would comprise about the eastern four fifths of the present state of Ohio, which was to be settled by officers and soldiers of the Federal army, associated for the purpose.

Pickering proposed that the Congress should purchase this tract from the Indians, and then make grants to the soldiers, according to a schedule. One of his propositions contained the first suggestion we have as to a future national policy of making grants for educational purposes. It read: —

7. These rights being secured, all of the surplus lands shall be the common property of the State, and to be disposed of for the common good; as for laying out roads, building bridges, creating public buildings, establishing schools and academies, defraying the expenses of government, and other public uses.

The First Survey. — This suggestion seems to have borne fruit in the legislation of the two years later, ordering a survey and fixing a method of disposing of the western lands. This act reads as follows:

An Ordinance for ascertaining the mode of disposing of lands in the Western territory, Adopted by the Congress of the Confederation, May 20, 1785.

Be it ordained by the United States in Congress assembled, That the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner: The surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing them at right angles, as near as may be.

The plats of the townships, respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36, always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded.

There shall be reserved the lot No. 16 of every township, for the maintenance of public schools, within the said township.

The only lands surveyed under this plan were the "Seven Ranges" in southeastern Ohio, and in 1796 a different plan of numbering (Section 1 being at the northeast corner of the townships, instead of at the southeast) was adopted. This plan has been followed generally since. In the meantime, six different types of survey had been instituted in Ohio.

Ordinance of 1787. — In July, 1787, a New England company, known as The Ohio Company of Associates, applied to Congress for the purchase of 1,500,000 acres of land on the Ohio. After some negotiation the sale was effected, and just preceding it the famous Ordinance of 1787 was adopted. The Ordinance contained one famous provision: —

An Ordinance for the Government of the territory of the United States northwest of the River Ohio. Adopted by the Congress of the Confederation, July 13, 1787.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient. * * *

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit: * * *

Art. 3d. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Ten days later Congress adopted an ordinance for the drawing up of the contract for the sale, which was signed three months later. This ordinance contained the following provisions:

Powers to the Board of Treasury to contract for the sale of the Western Territory. Adopted by the Congress of the Confederation, July 23, 1787.

The lot No. 16 in each township, or fractional part of a township, to be given perpetually for the purposes contained in the said (1785) Ordinance. The lot No. 29, in each township, or fractional part of a township, to be given perpetually for the purposes of religion. Lots No. 8, 11, and 26 to be reserved for the future disposition of Congress. . . . Not more than two complete townships to be given perpetually for the purpose of a university, to be laid off by the purchaser or purchasers, as near the center as may be, so that the same shall be good land, to be applied to the intended object by the legislature of the state.

This settled the question of the control of the university sections and endowment, but left the control of the common school system undecided. Similar terms, with the exception that no university grant was made, were inserted in the contract for the sale of 1,000,000 acres of land in southwestern Ohio, to John C. Symmes, in 1788.

In 1788 the requisite nine states had ratified the Federal Constitution, and with the inauguration of the national government in 1789 the following article of the Constitution was brought into effect: —

ART. IV, SEC. 3, § 2. — The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular state.

Petitions for Land. — Not until the admission of Ohio, in 1802, at least, can we consider any national policy as to educational grants to have been in any way decided upon. In the meantime petitions for grants were sent to Congress from various quarters. The following petition from the Mississippi Territory, as reported in the *Annals of Congress*, is illustrative:

House of Representatives, Monday, December 23, 1799. — A petition of Thomas Burling and others, inhabitants of the Mississippi Territory, in behalf of themselves and the people of the said Territory, was presented to the House and read, praying the confirmation of all grants of land legally and justly obtained from the Spanish Government, prior to the ratification of the late treaty between the United States and her Catholic Majesty.

Also a petition of John Henderson, and others, inhabitants of Natchez, in the said Territory, praying the aid and patronage of Congress in the establishment of a regular ministry of the Gospel among them, and of schools for the education of their youth.

Ordered, That the said petitions do lie on the table.

House of Representatives, Tuesday, December 24, 1799. — *Ordered*, That the petitions of John Henderson and others, and of Thomas Burling and others, inhabitants of the Mississippi Territory, presented yesterday, be referred to Messrs. Sewall, Chauncey,

Wall, Evans and Hill; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The committee reported, later, adversely on the confirmation of the grants, but made no mention of the proposition of lands for the Gospel and for schools. No action taken on such by the House during this Congress. In the Senate the following action was taken:

Senate, Tuesday, December 24, 1799. — Mr. Tracy presented a petition of Thomas Burling and others, inhabitants of certain lands on the borders of the Mississippi, praying confirmation of their grants made by the Spanish Government; and also that a disposal be made of the vacant lands in that Territory. . . .

Ordered, That the petitions and papers above mentioned be referred to Messrs. Tracy, Gunn, and Ross, to consider and report thereon to the Senate.

Senate, Tuesday, April 8, 1800. — The Senate took into consideration the report of the committee on the petition of Thomas Burling and others, inhabitants of the Mississippi Territory; and the report was adopted, as follows:

That the petitioners solicit an Act of Congress for the confirmation of grants of land made by the Spanish Government, prior to the Treaty of April, 1796; and likewise for confirming the claims for land to those who were occupants before that time. . . .

The committee are of the opinion it would be improper for the Legislature of the Union to do anything upon the subject of said petition, while the interfering claims to the lands in said Territory remain unsettled. They therefore report that the prayer of said petition is unreasonable.

The Senate also took into consideration the report of the same committee, on the letter of John Henderson to Winthrop Sargent, and the extract of a letter from Governor Sargent, and the report was adopted as follows:

That the inhabitants of the Mississippi Territory, request an appropriation of lands in the Territory, by Congress, for the support of "clergymen and seminaries of learning, and such like purposes," in the same manner that appropriations have been made in the Northwest Territory.

The committee are of the opinion that the unsettled condition

of claims to lands in the Mississippi Territory renders it improper at this time to make appropriations of lands for any purposes.

They therefore report that the request of said inhabitants is unreasonable.

2. *Ohio establishes a Type, and a Policy*

With the admission of Ohio as a state a definite precedent was established, and this was followed in the matter of educational grants thereafter.

[Poore, B. P., *Federal and State Constitutions*, II, 1454.]

AN ACT, to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes. Approved, April 30, 1802.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; * * *

SEC. 7. *And be it further enacted,* That the following propositions be, and the same are hereby, offered to the convention of the eastern State of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That the section, numbered sixteen, in every township, and, where such section has been sold, or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

Second. That the six miles reservation, including the salt-springs, commonly called the Scioto salt-springs, the salt-springs near the Muskingum River, and in the military tract, with the sections of land which include the same, shall be granted to the said state for the use of the people thereof, and the same may be used under such terms and conditions and regulations as the legislature of the said State shall direct; *Provided,* The said legislature shall never sell or lease the same for a longer period than ten years.

Third. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such

roads to be laid out under the authority of Congress, and with the consent of the several States through which the road shall pass: *Provided always*, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that each and every tract of land sold by Congress after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the date of sale.

We have here a definite bargain on the part of the national government, for the purpose of enabling it to more readily sell its lands, and also the beginning of the grants of salt springs and five per centum of the proceeds of the sale of the public lands within the state. Both of these grants were later applied to education by the states. The control of the school section was still left indefinite, but the next year Congress, by law, vested its control definitely in the legislature of the state, thus settling the question of control of the school system.

[*U. S. Statutes at Large*, II, 225.]

AN ACT in addition to, and in modification of, the propositions contained in an act entitled "An Act to enable the people of the Eastern division of the territory northwest of the river Ohio, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original States, and for other purposes." Approved, March 3, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following several tracts of land in the state of Ohio, be, and the same are hereby appropriated for the use of schools in that state, and shall, together with all of the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for use as aforesaid, and for no other use, intent or purpose whatever, that is to say:

First. (A number of quarter townships, being one thirty-sixth of the "United States military tract.")

Secondly. (A number of quarter townships in the Connecticut reserve.)

Thirdly. So much of that tract, commonly called the "Virginia military reservation," as will amount to one thirty-sixth part of the whole. . . .

Fourthly. One thirty-sixth part of all lands of the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section numbered sixteen in each township, if the said lands shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lot.

SEC. 2. (Directing the Secretary of the Treasury to pay to the State three per centum on the sale of all lands of the United States, for laying out, opening, and making roads within the state.)

SEC. 3. (Directing the Secretary of the Treasury to select lieu lands for sections sixteen, heretofore promised, but found sold.)

SEC. 4. (Granting one complete township, in the district of Cincinnati, for the purposes of establishing an academy, and vesting same in the legislature, in lieu of the one previously granted to John Cleves Symmes and associates, in the Symmes purchase, provided Symmes has not or does not within five years locate the one granted him.)

SEC. 5. (Directing that the Symmes trust be executed, but providing for his release and granting him the township in payment of $15,360.)

Extension of the Ohio Provisions. — At the same time that the above act was passed Congress extended the educational provisions of the Ohio Act to the Mississippi Territory.

[*U. S. Statutes at Large,* II, 229.]

AN ACT regulating the granting of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee. Approved, March 3, 1803.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That (Confirms all clear titles held from the Spanish or British governments prior to October 27, 1795. Establishes land offices, records of claims. Granting of titles. All other lands, to which Indian title has been extinguished, to be surveyed into townships.)

SEC. 12. *And be it further enacted,* That all the lands aforesaid, not otherwise disposed of, or excepted by virtue of the preceding sections of this act, shall, with the exception of section number

sixteen, which shall be reserved in each township for the support of schools within the same, with the exception also of thirty-six sections to be located in one body by the Secretary of the Treasury for the use of Jefferson College, and also with the exception of such town lots not exceeding two in number in the town of Natchez, and of such an outlot adjoining the same, not exceeding thirty acres, as may be the property of the United States, to be located by the Governor of the Mississippi Territory, for the use of said college, be offered for sale to the highest bidder, . . . under the same regulations, for the same price, and on the same terms and conditions as is provided by law, for the sale of lands of the United States, north of the river Ohio.

Tennessee. — In 1806, in settling a dispute as to the possession of lands within the state of Tennessee, Congress made an exception to the policy of not granting lands for education to the older states, and granted lands to Tennessee for two universities and for county academies, and also provided for the reservation of one section in each township for schools. The act reads:

[*U. S. Statutes at Large*, II, 381.]

AN ACT to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the state. Approved, April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States in Congress Assembled, That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, the following line be drawn. (See map.)

Sec. 2. (Recites act whereby Tennessee cedes to the United States all rights to the vacant and unappropriated lands within the state. In return the United States cedes to Tennessee "all rights, title and claim to the lands lying east and north of the line," with full power to perfect titles), subject nevertheless to the following express conditions; that is to say,

Secondly. That the State of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the State of North Carolina, passed in 1783; and shall be for the use of two colleges, one in East, and one in West

Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said state to be established by the legislature thereof; which several tracts shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the State of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six

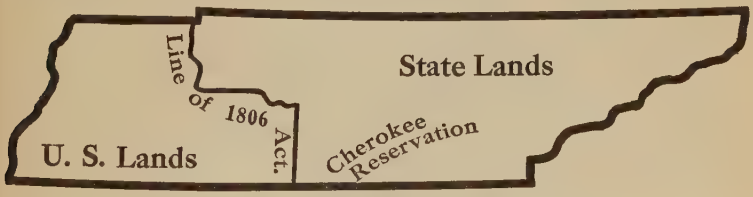

FIG. 1. — Showing division made.

miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever. . . .

SEC. 3. *And be it further enacted*, That if the territory herein before ceded to the State of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the State of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

The Enabling Act for Indiana, passed in 1816, follows the same lines as that for Ohio, except that the five per cent from the sales of public lands is to be used for roads and canals, two fifths without and leading to the state, and three fifths within the state. Four sections are also given for the purpose of locating the seat of government.

3. *Later Types of Grants*

The Illinois Type. — With the admission of Illinois, in 1818, a new type for the granting of school lands, and the five per cent fund, was established, The enabling act provides:

[Poore, B. F., *Federal and State Constitutions*, I, 436.]

AN ACT, to enable the people of the Illinois Territory to form a constitution and a state government, and for the admission of such State into the Union on an equal footing with the original States. Approved April 18, 1818.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; * * *

SECT. 6. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Illinois, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States and the said State:

First. That section numbered sixteen, in every township, and when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township, for the use of schools.

Second. That all salt-springs within such State, and the land reserved for the use of the same, shall be granted to the said State, for the use of said State, and the same to be used under such terms, and conditions, and regulations as the legislature of said State shall direct: Provided, The legislature shall never sell or lease the same for a longer period than ten years at any one time.

Third. That five per cent of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, *viz.*: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated, by the legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for that purpose, shall be re-

served for the use of a seminary of learning, and vested in the legislature of the State, to be appropriated solely to the use of such seminary by said legislature: *Provided always,* (Here follows the exemption from taxation of lands sold clause, as in the case of Ohio.)

Alabama, admitted the year following Illinois, reverted to the Ohio type of the sixteenth section grant, the lands being given to the people of the townships for the use of schools, but with Missouri, in 1820, and Arkansas, in 1836, the lands were given to the state, for the use of the inhabitants of the townships, as in the case of Illinois. The Illinois plan of devoting a part of the five per cent fund to education was not repeated again until after the states began to request Congress to be permitted to so appropriate it, which was not until about 1850.

The Michigan Type. — By 1835 the bad effects of granting the sixteenth section to the townships by either the Ohio or the Illinois form of grants had become apparent, and the convention which framed the constitution for the new state of Michigan petitioned Congress for a new form of grant, as follows:

ORDINANCE

[Poore, B. P., *Federal and State Constitutions,* I, 993.]

Be it ordained by the convention assembled to form a constitution for the State of Michigan, in behalf and by authority of the people of said State, That the following propositions be submitted to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State:

1. Section numbered sixteen in every surveyed township of the public lands, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

2. The seventy-two sections of land set apart and reserved for the use and support of a university, by an act of Congress approved the twentieth day of May, 1826, entitled "An act concerning a seminary of learning in the Territory of Michigan," shall, together with such further quantities as may be agreed upon by Congress, be conveyed to the State, and shall be appropriated solely to the support of such university, in such manner as the legislature shall prescribe.

3. Four entire sections of land, to be selected under the direction of the legislature, from any of the unappropriated lands belonging to the United States, shall be granted for its use in establishing a seat of government.

This request was assented to by Congress, and the control of the school lands was vested in the state, without reference to township lines. The wisdom of this has been so apparent that this form of grant has since been followed.[1]

Fractional Townships. — By 1825 the policy of granting one section in each township for educational purposes had become established, and Congress now began to make grants to cover omissions made in the earlier grants. The Virginia Military Reserve, the Gallipolis tract, and the western half of the Connecticut Reserve, all in Ohio, received specific grants by or before 1834, and in 1826 the Fractional Township Act was passed. This applied to all states.

[*U. S. Statutes at Large*, IV, 179.]

AN ACT to appropriate lands for the support of schools in certain townships and fractional townships, not before provided for. Approved, May 20, 1826.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That to make provision for the support of schools, in all townships or fractional townships for which no land has been heretofore appropriated for that use in those States in which section number sixteen, or other land equivalent thereto, is by law directed to be reserved for the support of schools in each township, there shall be reserved and appropriated, for the use of schools, in each entire township, or fractional township, for which no land has been heretofore appropriated or granted for that purpose, the following quantities of land, to wit, for each township or fractional township containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quar-

[1] Florida forms an exception, the Illinois form of grant being used. A few years later, however, Congress gave permission to the state to consolidate the different township funds into one state school fund.

ters of a section; for a fractional township containing a greater quantity of land than one-quarter, and not more than one-half a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land.

And be it further enacted, That the aforesaid tracts of land shall be selected by the Secretary of the Treasury, out of any unappropriated public land within the land district where the township for which any tract is selected may be situated; and when so selected, shall be held by the same tenure, and upon the same terms, for the support of schools in such township, as section number sixteen is, or may be held, in the State where such township shall be situated.

The New Oregon Type. — The sixteenth section in each township was granted uniformly to each new state up to 1850. In 1848 a new departure was made, in the organization of the Territory of Oregon.

[Poore, B. P., *Federal and State Constitutions*, II, 1491.]

AN ACT to establish the territorial government of Oregon. Approved, August 14, 1848.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That from and after the passage of this act, all that part of the Territory of the United States which lies west of the summit of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and shall constitute a temporary government, by the name of the Territory of Oregon. . . .

Sec. 20. *And be it further enacted*, That when the lands of said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into the market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same is hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Three states, Idaho, Oregon, and Washington, have been carved from this Territory, and have received the two sections for schools. California was the first state to enter the Union

(1850) under the new arrangement, and all states admitted afterward received two sections up to the admission of Utah, in 1896, which received four sections.

The Utah Type. — The enabling act for the admission of Utah contained a new provision, which has since been followed in the acts for the admission of Arizona and New Mexico. This new provision provided for the reservation and grant of four sections, as follows:

[*U. S. Statutes at Large*, 1893–1894, p. 107.]

AN ACT to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original states. Approved, July 16, 1894.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, . . .

Sec. 6. That upon the admission of said State in the Union, sections numbered two, sixteen, thirty-two and thirty-six in every township of said proposed State, and where such sections or any part thereof have been sold or otherwise disposed of by or under the authority of any Act of Congress other lands equivalent thereto, in legal subdivisions of not less than one-quarter sections and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to such State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the second, sixteenth, thirty-second and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this Act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this Act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain.

Arizona and New Mexico (1911) followed the Utah form of grant, while Oklahoma (1907) was given a new and different form of grant. (See Enabling Act, pp. 67–71.)

TABLE SHOWING AMOUNT OF THESE GRANTS FOR COMMON SCHOOLS

[Compiled from tables in Donaldson's *Public Domain* and the Annual Reports of the Commissioner of the Land Office.]

STATES, IN ORDER OF ADMISSION	DATE OF ADMISSION	SECTIONS RECEIVED	TOTAL GRANT IN ACRES
Tennessee	1796	one, in part	400,000[1]
Ohio	1802	16th	704,488
Louisiana	1812	16th	786,044
Indiana	1816	16th	650,317
Mississippi	1817	16th	837,584
Illinois	1818	16th	985,066
Alabama	1819	16th	902,744
Maine	1820	none	none
Missouri	1821	16th	1,199,139
Arkansas	1836	16th	886,460
Michigan	1837	16th	1,067,397
Florida	1845	16th	908,503
Texas	1845	none	none
Iowa	1846	16th	905,144
Wisconsin	1848	16th	958,649
California	1850	16th, 36th	6,719,324
Minnesota	1858	16th, 36th	2,969,990
Oregon	1859	16th, 36th	3,329,706
Kansas	1861	16th, 36th	2,801,306
West Virginia	1863	none	none
Nevada	1864	16th, 36th	3,985,428[2]
Nebraska	1867	16th, 36th	2,702,044
Colorado	1876	16th, 36th	3,715,555
North Dakota	1889	16th, 36th	2,542,940
South Dakota	1889	16th, 36th	2,539,175
Montana	1889	16th 36th	5,112,035
Washington	1889	16th 36th	2,488,675
Idaho	1890	16th, 36th	3,068,231
Wyoming	1890	16th, 36th	3,480,281
Utah	1896	16th, 36th, 2d, 32d	6,007,226
Oklahoma	1907	16th 36th[3]	1,413,083[4]
Arizona	1911	16th, 36th, 2d, 32d	8,100,694
New Mexico	1911	16th, 36th, 2d, 32d	8,618,736
			80,385,964

[1] Estimated.

[2] In 1880, after some acres had been sold, the remainder of the grant was exchanged with the United States for 2,000,000 acres of land, to be selected by the state.

[3] Also other section grants. (See Enabling Act, pp. 67–71.)

[4] Also received $5,000,000 in lieu of lands in Indian Territory.

4. *Lease and Sale of the Lands*

By the terms of all of the early grants the lands were given to the townships or to the states for the use of schools. Nothing was said about their sale, and they were put under lease. The great quantity of cheap land made leasing unprofitable, and, in 1824 and again in 1825, Ohio applied to Congress for permission to sell her school lands. The essentials in the Ohio petition were:

Resolution and Memorial to Congress on the Subject of School Lands

[*American State Papers, Public Lands*, III, p. 654.]

Communicated to the Senate on March 10, 1824

Resolved, That the following memorial be submitted to the Congress of the United States, during the present session, or as soon as may be practicable.

To the Senate and House of Representatives of the United States in Congress assembled: The memorial of the State of Ohio, in General Assembly, respectfully represents:

(Here follows a detailed recital of all land grants for schools, and a request for a grant in the western part of the Connecticut Reserve, to complete the one-thirty-sixth part grant to the state. The memorial then continues:)

That, in relation to the lands already appropriated as above described, the Legislature of the State of Ohio, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and, in particular, that of leasing them to such individuals as have applied therefor; that experience, however, has fully demonstrated that this fund will be wholly unavailing in their hands in its present shape.

That, in order that the beneficial and laudable objects contemplated by the grants aforesaid may be secured to the people of the State of Ohio, it will, as your memorialists conceive, be necessary that the Legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them in fee.

The objections which are urged against the present mode of administering that fund are, in the first place, that, by reason of the facilities which the State of Ohio affords of acquiring a property

in real estate, a necessity exists of leasing the lands in question to persons almost wholly destitute of pecuniary means, whereby the avails of these lands are rendered at least uncertain. In consequence, also, that, as these lands are detached over the whole State of Ohio, the expense which must necessarily be incurred by creating a superintendence over them, render them much less productive than your memorialists conceive they might be rendered if the lands were sold, and the proceeds concentrated in one fund.

The fact, also, before adverted to, that these lands must necessarily be entrusted to the possession of those of the lowest class of the community, and who possess no permanent interest in the soil, has produced a waste upon these lands of their timber, and otherwise, equal, perhaps, to the whole revenue which may have been derived from them.

The fact, also, that, by holding them under the present tenure, your memorialists are compelled to offer, upon lease, so great a proportion of their soil as will invite and retain a population within her boundaries of a character not to be desired, and in amount so great as to create an evil which can only be conceived of in a country where every individual, possessing a very moderate portion of industry and economy, may, within a single year, appropriate to himself, in fee, a quantity of land sufficient to furnish the means of support for an ordinary family, is also a circumstance which your memorialists conceive is not undeserving of consideration.

While the State of Ohio, in common with her sister States, shall have her ordinary proportion of idle and unprofitable members, this great proportion of land which must be held by lease, must, of necessity, produce a corresponding feature in her population. Although many industrious and valuable citizens may be found among the lessees of school lands, yet it must be admitted that the great body of those who constitute the strength and basis of every Government, and who are to be considered as the friends of good order and public improvement, are among those who are the owners as well as the occupiers of the soil.

These evils, as your memorialists conceive, arise wholly from the system of granting these lands upon leases and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State have not the power, under the term of the original grant, of disposing of these lands in fee. Notwithstanding your memorialists may be of the opinion that they already possess this right, yet, so long as the question shall admit of any doubt, it must, of necessity, have the effect to restrain its exercise. * * *

Therefore, your memorialists represent that it would be of ad-

vantage, and conduce to the future prosperity of the State of Ohio, that a law of the United States be passed declaring the authority of the State of Ohio to dispose of the said lands granted for the use of schools within the State, in fee, and that the proceeds thereof be invested in some permanent fund, the proceeds of which shall be applied, under the direction of the Legislature, for the use of common schools within the townships or districts to which they were originally granted in said State, and for no other use or purpose whatever: *Provided*, That the sections numbered sixteen, granted as aforesaid for the use of schools, shall not be sold without the consent of the inhabitants of such original surveyed township; and that they may be authorized and empowered to sell and dispose of the aforesaid six miles reservation, including the Scioto salt springs, the salt springs near Muskingum river, and in the military tract, with the sections of land which include the same, and apply the proceeds thereof to such literary purposes as the Legislature of the State of Ohio may hereafter direct.

Resolved further, That the Governor be requested to forward the foregoing memorial to the Government of the United States, and take such order and disposition of the funds as may seem to him proper.

JOSEPH RICHARDSON, *Speaker of the House of Representatives.*
ALLEN TRIMBLE, *Speaker of the Senate.*

Congress granted permission to Ohio to sell, as requested, in 1826, and granted similar permission to Alabama in 1827, and to Indiana in 1828. The following act, granting permission to four states to sell, illustrated the nature of the permission granted:

ENABLING ACT FOR SALE OF LANDS

[*U. S. Statutes at Large*, V, p. 600.]

AN ACT to authorize the legislature of Illinois, Arkansas, Louisiana, and Tennessee to sell the lands heretofore appropriated for the use of schools in those States. Approved, February 15, 1843.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the legislatures of Illinois, Arkansas, Louisiana, and Tennessee be, and they are hereby, authorized to provide by law for the sale and conveyance in fee simple of all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within

said States, and to invest the money arising from the sales thereof in some productive fund, the proceeds of which shall be forever applied, under the direction of said legislatures, to the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatever: *Provided*, Said land, or any part thereof, shall in no wise be sold without the consent of the inhabitants of such township or district, to be obtained in such manner as the legislatures of said states shall by law direct; and in the apportionment of the proceeds of said fund each township and district shall be entitled to such part thereof, and no more, as shall have accrued from the sum or sums of money arising from the sale of the school lands belonging to such township or district.

SECT. 2. *And be it further enacted*, That the legislatures of said States be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste the sections reserved by the laws of Congress for the use of schools to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term not exceeding four years, in such manner as to render them productive and most conducive to the object for which they were designed.

SECT. 3. *And be it further enacted*, That if the proceeds accruing to any township or district from said fund shall be insufficient for the support of schools therein, it shall be lawful for said legislatures to invest the same in the most secure and productive manner until the whole proceeds of the fund belonging to such township or district shall be adequate to the permanent maintenance and support of schools within the same: *Provided*, That the legislatures aforesaid shall in no case invest the proceeds of the sale of the lands in any township in manner aforesaid without the consent of the inhabitants in said township or district, to be obtained as aforesaid.

SECT. 4. *And be it further enacted*, That any sales of such lands, reserved as aforesaid, as have been made in pursuance of any of the laws enacted by the legislatures of said States, and not inconsistent with the principles of this act, are hereby ratified and confirmed so far as the assent of the United States to the same may be necessary to the confirmation thereof.

5. *Protests of the Older States*

In 1821 the legislature of the State of Maryland called attention to the grants made to the new states, and adopted a long

and detailed report on the subject, which concluded with the following resolutions:

Resolved, by the general assembly of Maryland, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

Resolved, That the States in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States.

Resolved, That his excellency the governor be required to transmit copies of the foregoing report and resolutions to each of our Senators and Reprsentatives in Congress, with a request that they will lay the same before their respective Houses, and use their endeavors to procure the passage of an act to carry into effect the just principle therein set forth.

Resolved, That his excellency the governor be also requested to transmit copies of the said report and resolutions to the governors of the several states of the Union, with a request that they will communicate the same to the legislatures thereof, respectively, and solicit their co-operation.

The resolutions of Maryland were indorsed by the legislatures of Maine, Vermont, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Kentucky. The following indorsements from New Hampshire and Kentucky are illustrative.

[*American State Papers, Public Lands*, III, p. 499.]

Application of New Hampshire for a grant of land for the purpose of Education.

Communicated to the Senate, December 19, 1821

State of New Hampshire

The committee to whom was referred so much of His Excellency's message as relates to a communication from the Legislature of the State of Maryland, ask leave to report:

That the communication submitted to them embraces a report and certain resolutions thereupon adopted by the Legislature of the State of Maryland; the object of which is to call the attention

of Congress, and the Legislatures of the several States, to the public lands, as a fund from which appropriations for the purposes of education may with justice be claimed by all of the original States, and some of the new ones.

Your committee have, with much attention, examined the grounds upon which this claim is supposed to rest; and, from this examination, are satisfied that the principles contended for are just and equitable, and, therefore, do concur in the opinion expressed in the aforesaid documents. It is not, however, deemed necessary on this occasion to enter into an elaborate exposition of the principles on which this claim is founded, as this would lead merely to a repetition of the circumstances relied upon, and the arguments deduced by the committee, who matured the report and the resolutions now under consideration. It may be proper, notwithstanding, to present for consideration a few of the points brought to view in the report of that committee.

It is alleged that, before the war of the revolution, these States were regal and not proprietary provinces, and that the right of disposing of them was claimed and exercised by the Crown in some form or other; that, by the treaty of peace of 1783, Great Britain relinquished "to the United States all claim to the government, property, and territorial rights of the same, and every part thereof;" that, between 1783 and 1802 the United States acquired an indisputable title to all of the public lands east of the Mississippi, by cessions from all of those States which had exclusively claimed the unsettled lands within their respective limits, except a small part of the territory which now constitutes a part of the States of Mississippi and Alabama, which was acquired under the treaty ceding Louisiana; that all the territory west of the Mississippi river, together with the southern extremity of the States of Mississippi and Alabama, was purchased of France for fifteen millions of dollars, and that all the sums of money required to pay France, to extinguish the Indian title to the land, and the like, was paid out of the treasury of the United States, the common fund of the whole Union. Forasmuch, therefore, as the property and jurisdiction of the soil were acquired by the common means of all, it is contended that the public lands, whether acquired by purchase, by force, or by acts or deeds of cession from individual States are the common property of the Union, and ought to enure to the common use and benefit of all the States in just proportions, and not to the use and benefit of any particular State or States to the exclusion of the others, and that any partial appropriation of them, for State purposes, "is a violation of the spirit of our national compact, as well as the principles of justice and sound policy."

On the inquiry whether the acts of Congress in relation to the appropriation of public lands have been strictly national, it is ascertained that, by the existing laws relating to the sale and survey of them, one-thirty-sixth part thereof has been reserved and appropriated in perpetuity for the support of common schools; besides which, large appropriations have been made in the new States generally for the erection and maintenance of seminaries of learning of a higher grade than common schools, equal, it is calculated, to one-fifth part of the appropriations for common schools.

It is said, on good authority, that all the States and Territories in whose favor appropriations have thus been and are to be made, according to the existing laws in support of literary institutions, contain 437,297,125 acres, and that the total amount of these literary appropriations in the new States and Territories will be 14,576,569⅔ acres, which, at two dollars per acre, a sum less than the average price of all the public lands which have heretofore been sold, the amount in money will be $29,153,139.33.

The State of New Hampshire contains 6,074,240 acres; of course, her proportionate share of the public lands for literary purposes, on the principles above stated, would be 202,473 acres.

It is admitted that, so far as the public lands have been sold, and the money paid into the National Treasury, or appropriated for purposes of defense, all the States have derived a justly proportionate benefit from them. Nor is a spirit of envy attempted to be cherished toward the new States on account of the bountiful appropriations made to them for literary purposes; but it cannot be denied that such appropriations in favor of any State or States, to the exclusion of the rest, where the appropriations would have been beneficial, and might have been extended to all alike, would be a departure from sound policy, as well as from impartial justice. These appropriations are of such a nature that they might have been, and still may be, extended to all the States. These States, therefore, for whose benefit such appropriations have not yet been made, will not be true to themselves if they do not make known to Congress, who alone possess the powers to make them, their request for such appropriations, not as a matter of favor but of right.

Whereupon, your committee beg leave to recommend the adoption of the following resolutions:

Resolved, by the Senate and House of Representatives of the State of New Hampshire in General Court convened, That each of the United States have an equal right to participate in the benefits of the public lands as the common property of the Union; and that the States, in whose favor Congress has not yet made appropria-

tions of land for the purposes of education, are entitled to such appropriations as will be in just proportion with those heretofore made in favor of the other States.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing report and resolutions to each of our Senators and Representatives in Congress, with a request that they will use their endeavors to procure the passage of an act to appropriate to the use of the State of New Hampshire, for the purposes of education, such quantity of the public lands as shall be equitable and just.

Resolved, That His Excellency the Governor be also requested to transmit copies of the foregoing report and resolutions to the Governors of the several States of the Union, with a request that they will communicate the same to the legislatures thereof respectfully, and solicit their coöperation to carry into effect the just principles therein set forth.

All of which is respectfully submitted by

NEHEMIAH EASTMAN, *for the committee.*

STATE OF NEW HAMPSHIRE, IN SENATE, *June 18, 1821.*

The foregoing report and resolutions were read and adopted. Sent down for concurrence.

JONATHAN HARVEY, *President.*

IN THE HOUSE OF REPRESENTATIVES, June 21, 1821. Read and concurred.

ICHABOD BARTLETT, *Speaker.*

June 22, 1822. — Approved: SAMUEL BELL.

A true copy. Attest: SAMUEL SPARHAWK, *Secretary.*

APPLICATION OF KENTUCKY FOR A GRANT OF LAND FOR THE PURPOSE OF EDUCATION

[*American State Papers; Public Lands*, III, 503.]

Communicated to the Senate, January 14, 1822

Resolutions in relation to a portion of the public lands of the United States as a means of creating a fund for promoting education, and to the right of the several States of the Union to a part of the same for that purpose.

The committee, to whom were referred the communications from the Legislatures of the States of Maryland and New Hampshire, ask leave to report:

That the communications submitted to them embrace reports and resolutions thereupon adopted, by the legislatures of those States, and the objects of which are to direct the attention of Congress, and the legislatures of the several States of the Union, to the national lands as a source from which appropriations for the purposes of education may with justice be claimed by those States for which no such appropriations have yet been made.

Your committee, highly sensible of the fact that the most effectual means of achieving or perpetuating the liberties of any country is to enlighten the minds of its citizens by a system of education adapted to the means of the most extensive class of the population, and, alive to any just means within their power for the achievement of this great object, not only within their own State, but alike to all members of the great political family of which they are a part, and for whose common interests they are thus united, have, with much interest, examined the facts stated, and the arguments used in said reports, and do not hesitate to concur in the opinions therein expressed, that the national lands are strictly a national fund, and, in just proportions, the property of all the States of the Union; and that, from the extent and nature of the fund, appropriations may, with great propriety, be extended to all the States of the Union.

It is deemed unnecessary, in a report of this kind, to enter at large into all the arguments that might be used to establish the opinion above expressed. A few of the facts which have presented themselves in the investigation of the subject are submitted.

It is ascertained that all the States and Territories, whose waters fall into the Mississippi, have been amply provided for by the laws of Congress relating to the survey and sale of the public lands, except the State of Kentucky.

Why these appropriations should have stopped short of Kentucky, your committee are not able to see, especially when they take into consideration its situation in relation to the other States of the Union, the contest it has maintained in establishing itself, protecting, at the same time, the Western borders of the old States, and extending the more Northern and Western settlements. Kentucky long stood alone in a forest of almost boundless extent, separated from her parent settlements by extensive ranges of mountains and forests, fit receptacles for her savage enemies, and from which she was cut off from the succor, and almost from the knowledge of her friends; yet maintaining her stand, and, at the same time, forming a barrier by which the more Eastern States were protected from the common enemy, she has not only established herself, but has also gone forward to the establishment and support of those

States and Territories which now form the great national domain which is the subject of this report.

Notwithstanding many arguments might be used which would go to prove that Kentucky has claims to appropriations of those lands without extending the system to all the States, yet your committee believe that such arguments are not necessary, and that a few facts here submitted will prove that those appropriations may be made generally without affecting the national revenue.

Relying upon the apparent correctness of the able document before the committee, received from the State of Maryland, it appears that the total amount of literary appropriations made to the new States and Territories will amount to 14,576,569 acres; that the additional amount required to extend the same system to those States for which no such appropriations have yet been made, would be 9,370,760 acres; that the State of Kentucky, as her part of such appropriation would be entitled to 1,066,665 acres, and estimating the whole quantity of unsold lands, yet owned by the United States, at 400,000,000 acres, that the additional amount required to extend the same scale of appropriation to all the States which have not received any, would not amount to two and a half per cent upon the landed fund as above.

Relying, therefore, upon the foregoing considerations as sufficient for their purpose, and believing that the magnanimity of their sister States in the West will produce a unanimity in the Congress of the United States upon this subject, your committee are prepared to close this report, and beg leave to recommend the adoption of the following resolutions:

Resolved, by the Senate and House of Representatives of the Commonwealth of Kentucky, That each of the United States has an equal right, in its just proportion, to participate in the benefit of the public lands, the common property of the Union.

Resolved, That the Executive of this State be requested, as soon as practicable, to transmit copies of the foregoing report and resolution to the Governors of the several States, and to our Senators and Representatives in Congress, with a request that they will lay the same before their respective houses, and use their endeavors to procure the passage of a law to appropriate to the use of the State of Kentucky, for the purposes of education, such a part of the public lands of the United States as may be equitable and just.

GEORGE C. THOMPSON, *Speaker of the House of Representatives.*
WILLIAM T. BARRY, *Speaker of the Senate.*
Approved, December 10, 1821.

By the Governor: JOHN ADAIR.
J. CABELL BRECKINRIDGE, *Secretary.*

Ohio, through its legislature, protested against such grants, but before the Ohio protest or the resolutions of a number of the States had time to reach Congress, the following adverse report was made to the United States Senate, and no further action seems to have been taken.

6. *Proposition to grant Land to the Old States for the Purpose of Education*

[*American State Papers, Public Lands,* III, 496]

Communicated to the Senate, February 9, 1821

Mr. Thomas, from the Committee on Public Lands, being instructed to inquire into the justice and expediency of granting land for the purposes of education within the limits of the old States, corresponding with the appropriations which have been made for the same object within the limits of the new States, reported:

That, under the laws of the United States, lands have been granted for the purposes of education in the States of Ohio, Louisiana, Indiana, Mississippi, Illinois, and Alabama, in the proportion of one-thirty-sixth part of all the public lands within the State, with the addition of two townships, of forty-six thousand and eighty acres in each State, and to Louisiana an additional township, or twenty-three thousand and forty acres. The quantity which is already vested in each of the above States by the operation of this system, and which will vest in them, when the Indian title shall have been extinguished, and the whole of the lands are surveyed, will be exhibited sufficiently for all practical purposes by the annexed estimate of the Commissioner of the General Land Office, and which is a part of this report. The committee also remark that, by an act of the 18th of April, 1806, a donation of two hundred thousand acres of land were made to the State of Tennessee for the use of two colleges, and academies in each county of the State, to be established by the legislature thereof; and six hundred and forty acres in each six miles square, where it was practicable, for the use of schools; and that a township, or twenty-three thousand and forty acres was, on the 3rd of March, 1819, granted by the United States to the Connecticut Asylum for the education of deaf and dumb persons.

The lands thus granted to the States for the above purposes are not subject to taxation by the State Government, and can only be settled in the manner pointed out by the States in which they

lie. If, therefore, corresponding quantities for the purposes of education are to be granted to all the old States, (under which term the committee believe all States will be included which have not received donations of land for that purpose), it would seem that the States and Territories which now contain public land would have an excessive proportion of their superfices taken up with such donations, leaving but a small part of the land lying in each subject to taxation, or to settlement, except at the will of other sovereign States. In receiving donations of land for the purposes of promoting education in the States in which they have been granted, in the opinion of the committee, a consideration has been rendered therefor, on the part of those States, by the increased value which the population and improvement of the State gave to the unsold public lands, and by the compact not to tax the lands of the United States at any time before they were sold, nor until the lapse of five years thereafter.

The lands, therefore, granted to some of the new States for the purposes of education, though distinguished in common parliance as *donations*, were in fact sales bottomed upon valuable considerations, in which the new States surrendered their *right* of sovereignty over the remaining public lands, and gave up the whole amount which might have been received in taxes before such lands were sold, and for five years thereafter.

The committee are, therefore, of the opinion that it is inexpedient to grant lands to the extent contemplated in the resolution; but that it is just and *expedient* to grant a per centum, to a reasonable extent, on the amount of sales of public lands for the purposes of *promoting education* in such States as have not received the aid of the General Government, distributing the amount among the several States according to the population of each; and that justice would require an equivalent from the United States to the States and Territories which contain public lands, if it should be deemed advisable to make the donation to the old States recommended in this report; and they are of the opinion that, in that event, it would be entirely just to subject to taxation, by such State or Territory, all lands sold by the United States therein, from and after the day on which they may be sold.

Another Report from the Committee on Public Lands was made in 1826 on the same subject, in answer to a resolution of the House on the matter. The report recommended a distribution of a portion of the proceeds from the sales of national lands, but no action seems to have been taken. The discussion

of the subject now turned to the question of distributing the surplus revenue (see further on in this chapter) and then died out until after the Civil War.

After the close of the Civil War the prostrate condition of the South, and the great percentage of illiteracy among the freedmen, again drew attention to the question of extending some form of national aid for education, virtually for the relief of the South. The matter was considered for many years, and attracted much attention, but no bill was ever able to secure the approval of both houses of Congress. Two main lines of aid were proposed, one the establishment of a national educational fund from the proceeds of the land sales, and the other a temporary measure for the immediate relief of the situation. These proposals are considered further under subdivision V of this chapter.

II. Other Grants for Common Schools

1. *Saline Grants*

In the Enabling Act for the admission of Ohio Congress also made a grant of Saline lands (see *Enabling Act*, Sec. 2) which also served as a precedent, and in which nearly all of the Mississippi Valley states later shared. Indiana was subsequently given thirty-six sections with the salt springs, and Illinois was given all of the salt springs in the state together with the land reserved for the same, but the grant was soon changed to limit it to a total of two townships. The following section from the Enabling Act of Wisconsin is typical:

[Poore, B. F., *Federal and State Constitutions*, II, 2025.]

Sect. 5. *Fourth.* That all salt-springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the State for its use; the same to be selected by the legislature thereof within one year after the admission of said State; and, when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided,* That no salt-spring

or land, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State.

The following states have received grants from this source, and as follows:

TABLE OF SALINE GRANTS

[Compiled from various scattered sources.]

ADMITTED	STATE	ACRES	USED FOR	SOLD FOR
1802	Ohio	22,216	Schools	$41,024
1816	Indiana	22,830	Schools	*c.* 85,000
1818	Illinois	121,029		
1819	Alabama	23,040		
1821	Missouri	46,080	Schools	
1836	Arkansas	46,080	Schools	
1837	Michigan	46,080	16,000 A. for Normal School, 30,080 A. for Agricultural College	
1846	Iowa	46,080	Schools and Agricultural College	
1848	Wisconsin	46,080	University of Wisconsin	*c.* 150,000
1858	Minnesota	46,080		
1859	Oregon	46,080		
1861	Kansas	46,080	30,380 A. for Normal School, 4608 A. to State University	
1867	Nebraska	46,080	30,380 A. for Normal School	
1876	Colorado	46,080		
	Total	649,915		
Received Grants, but never qualified for them:				
1812	Louisiana	46,080		
1817	Mississippi	46,080		
1850	California	46,080		
1864	Nevada	46,080		
	Total grants	834,235	Devoted to education,	*c.* 370,000 Acres

2. *The Five per Centum Fund*

This was begun with Ohio in 1802 (see *Enabling Act*, Sec. 3) and continued with each state having public land ever since.

In the admission of Illinois in 1818, three fifths of the five per cent was set aside for schools, for the first time. After about 1845 states began to request the permission of Congress to so appropriate it, and since about 1860 it has been uniformly specified as for schools. (See Oklahoma *Enabling Act*, pages 67–71.)

The following Table shows the income from this Fund up to June 30, 1913.

(From the Report of the Commissioner of the General Land Office)

States	Total June 30, 1912	Fiscal Year 1912–13	Aggregate to June 30, 1913
Alabama	$1,077,305.32	$ 599.40	$1,077,904.72
Arizona		1,652.99	1,652.99
Arkansas	323,897.84	1,013.16	324,911.00
California	1,062,698.44	17,354.82	1,080,053.26
Colorado	445,393.06	15,355.24	460,748.30
Florida	133,159.79	4,176.27	137,336.06
Idaho	231,342.01	10,541.35	241,833.36
Illinois	1,187,908.89		1,187,908.89
Indiana	1,040,255.26		1,040,255.26
Iowa	633,638.10		633,638.10
Kansas	1,122,353.55	3,115.86	1,125,469.41
Louisiana	467,862.06	325.83	468,187.89
Michigan	586,783.64	284.88	587,068.52
Minnesota	586,036.69	2,246.39	588,283.08
Mississippi	1,069,843.91	82.71	1,069,926.62
Missouri	1,059,760.74	669.87	1,060,430.61
Montana	366,647.00	37,598.88	404,245.88
Nebraska	551,388.13	8,006.32	559,394.45
Nevada	29,518.81	2,605.77	32,124.58
New Mexico	110,453.47	10,587.31	121,040.78
North Dakota	505,262.75	23,764.36	529,027.11
Ohio	999,353.01		999.353.01
Oklahoma	55,956.06	3,161.83	59,117.89
Oregon	701,687.81	15,328.30	717,016.11
South Dakota	263,485.30	44,582.90	308,068.20
Utah	75,860.78	5,834.00	81,694.78
Washington	390,903.57	6,026.78	396,930.35
Wisconsin	586,304.10	104.48	586,408.58
Wyoming	189,517.57	23,870.07	213,387.64
Totals	$15,854,577.66	$238,889.77	$16,093,417.43

3. *The Surplus Revenue Distribution*

Between 1821 and 1841 the questions of how to dispose of the national lands and the surplus revenue received much attention. Of the reports, resolutions, and bills relating to these subjects, the following extracts from a long and eloquent report made to the House present the essentials of one of the proposed plans.

[*American State Papers*, Vol. 31 (*Public Lands*, IV), p. 750.]

Mr. Strong, from the Committee on Public Lands, to whom was referred the resolution of December 21, 1825, instructing them "to inquire into the expediency of appropriating a portion of the net annual proceeds of the sales and entries of the public lands exclusively for the support of common schools, and of apportioning the same among the several States in the proportion to the representation of each in the House of Representatives," reported:

That . . . the resolution under consideration proposes to appropriate a portion of the proceeds of the public lands to a new and specific object; to convert it into a permanent fund for the sole use and support of common schools in the several States; and to divide this fund among the several States in proportion to the representation of each in this House.

Of appropriating a portion of these proceeds to a new and specific object. — A part of the public domain was acquired by the fortunes of war, and a part by purchase. The whole constitutes a common fund for the joint benefit of the States and the people. This domain amounted to some hundred millions of acres, and of it probably some two hundred millions of acres of good land yet remain unsold. It is true that the proceeds of these lands, together with those of the internal duties, and the duties on merchandise, and the tonnage of vessels, to the amount of ten millions of dollars annually, are appropriated and pledged to the "sinking fund." But is this a valid objection to the appropriation of the whole or of any part of the proceeds of these lands to any other proper object? Since the act of March, 1817, making this appropriation and pledge to the sinking fund, the annual average amount of the public revenue has been about twenty millions of dollars. So long, therefore, as ten millions of dollars are left to the sinking fund, the appropriation is answered and the pledge redeemed; and the surplus revenue,

from whatever source derived, not having been appropriated or pledged, remains to be disposed of in such way and for such purposes as the Congress may direct. . . .

Of apportioning this fund among the several States. — Equality of rights and privileges, both as it regards citizens and States, is the fundamental principle of our government. Hence the people, as far as the integrity and independence of the States will permit, are equally represented in the popular branch of the national legislature. Guided by this rule, the committee have no doubt that the apportionment should be made among the several States according to the representation of each in the House of Representatives. This will distribute the fund, and dispense the blessings resulting from it, upon the strictest principles of equality. The ordinary disbursement of the public money does not directly support all alike. . . . But the proposed appropriation for the benefit of common schools is an object general in its nature and benefits. It is an appropriation in which every American citizen has a deep interest, and by the operation and influence of which the ignorant and the wise, the rich and the poor, the government and the governed, will receive direct and lasting benefits.

The resolution before the committee does not indicate, in terms, whether the principal annually apportioned, or the interest on the principal only, shall be paid over to the States. Nor does it point out any mode, in case the interest only is to be applied, of investing the principal. This part of the subject merits some examination. It seems to be manifest, that the more certain and permanent the fund, the greater and more lasting will be the benefits flowing from it. To apportion and pay the principal annually to the several States will be doing equal and exact justice. But the principal, in that case, would be annually expended. The consequence of this will be, that, as the public domain diminishes by sales until the whole is sold, the fountain whence the fund is to be drawn will be gradually and finally exhausted, and the fund and its benefits, of necessity, diminish and cease altogether. As this domain is not exhaustless, if the principal set apart for the use of these common schools be annually expended, its benefits will be chiefly confined to our own time; but by investing the principal, and dividing the interest only, the fund will accumulate, and its benefits may continue to future ages. The committee, therefore, propose that the sum annually appropriated shall be invested by the United States in some productive fund, the interest or other proceeds of which shall be annually apportioned among the several States according to the representation of each State in the House of Representatives of the United States.

No action was taken on this report, but the questions of national aid and the distribution of the surplus revenue came up for consideration many times during the succeeding fifteen years. The surplus revenue question reached a culmination in 1836, when the following bill was passed:

[*U. S. Statutes at Large*, V, 55.]

AN ACT To regulate the deposits of public money. Approved, June 23, 1836.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That * * *

SECT. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the first day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurers, or other competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurers, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required, by the Secretary of the Treasury, for the purpose of defraying any wants of the public treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States, agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days, for every additional sum of twenty thousand dollars, which may at any time be required.

SECT. 14. *And be it further enacted*, That the said deposits shall be made with the said States in the following proportions, and at the following times, to wit: one quarter part on the first day of *January*, 1837, or as soon thereafter as may be; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year.

Only the first three payments were ever made, as the Treasury was practically empty by October. In October, 1837, the power to recall or assign the obligation was taken from the Secretary of the Treasury and given to Congress, and the money has never been called for. The School Fund of a few states has profited by this "deposit" of public funds, though in most of the states the money was spent or lost.

SUMMARIZED HISTORY OF THE UNITED STATES DEPOSIT FUND BY STATES. (From data given by Bourne.)

1. Alabama.

1836 — Received seven quotas; $669,088.95.
1837 — Deposited in the state Bank.
1840 — Interest on surplus devoted to form a part of the annual payment of $200,000 by the bank to aid in establishing a school system.
1843 — Law of 1840 repealed.
184? — Probably borrowed from the Bank by the state.
1854 — Deposit fund included in the state educational fund, and interest on fund at eight per cent pledged for schools.
1861–1868 — Interest in arrears. Fund lost then, or before.
1867 — Included in school fund, and debt recognized.
1875 — Omitted from school fund; interest charge too heavy.
1876 — Reincluded, but at rate of four per cent. Now part of annual state appropriation for schools.

2. Arkansas.

1836 — Received three quotas; $286,751.49.
1836 — Made part of the capital of the state Bank.
1843 — Appropriated to meet deficits in state revenue.
1843 — Interest on remainder to go to school fund. Fund almost all used, and law a dead letter.
1850 — Balance remaining to credit of educational fund, $9163.76. This soon lost.

3. Connecticut.

1836 — Received eight quotas; $764,670.60.

1836 — Governor recommended that it be added to the school fund. Legislature decided that it be deposited with the towns, proportionally, and the principal to be preserved intact. One half of the interest to be used for schools; balance for towns' general expenses.

1855 — Total income to be devoted to schools. Much of the money has been lost, and the income to-day is a tax on the people in many cases.

4. Delaware.

1837 — Received three quotas; $286,751.49.

1837 — Invested in bank stock and railway securities, which have been preserved and are worth much more than the original amount of the deposit.

5. Georgia.

1836 — Received eleven quotas; $1,051,422.09.

1836 — Deposited in the Bank of Georgia.

1837 — One third of the income devoted to support of schools.

1840 — Put into the poor-school fund. Laws soon a dead letter. Income paid into treasury, but no separate account kept of it. Used for state expenses. Bank failed in 1853, and remaining two thirds lost. Fund practically all lost.

6. Illinois.

1836 — Received five quotas; $477,919.14.

1837 — By a peculiar interpretation, a small amount over two thirds was used to pay the state's debt to the school fund, and was considered as devoted to education. This was then borrowed by the state and spent. Interest also used for a time.

Interest at six per cent paid to the school fund on $335,592.32.

7. Indiana.

1836 — Received nine quotas; $860,254.44.

1837 — One half to be loaned to the counties for the benefit of schools; remainder to be a fund for internal improvements.

1851 — New constitution added all to school fund. First half nearly all lost; second half doubled in value and made good the losses.

8. Kentucky.

1836 — Received fifteen quotas; $1,433,754.39.
1837 — $850,000 put into school fund; balance to pay internal improvements loans, as due. School fund portion invested in state improvement bonds, and interest used for state expenses up to 1850.
1851 — Debt to school fund for principal and interest capitalized at $1,326,770.40. State tax to pay interest, as the fund was virtually all lost.

9. Louisiana.

1837 — Received five quotas; $477,919.14.
1838 — Used for state debts, appropriations, and improvements.
1852 — New constitution appropriated interest for school fund.
1864 — New constitution repealed this.
1876 — Interest again appropriated to school fund. Interest raised by taxation.

10. Maine.

1837 — Received ten quotas; $955,838.25.
1837 — Deposited with the towns and cities.
1838 — Towns released from obligation to return the money, and empowered to distribute it per capita among the population of the towns.

11. Maryland.

1836 — Received ten quotas; $955,838.25.
1837 — $274,451, used to pay the interest on the state's debt. Balance deposited in bank for school fund. Soon withdrawn and spent for interest and internal improvements.
1838 — $1000 of income to be spent annually for education of blind, and balance, $34,069.36, distributed on census for schools. This amount ever since raised by taxation and so appropriated.

12. Massachusetts.

1837 — Received fourteen quotas; $1,338,173.58.
1837 — Deposited with the towns. Used by most for town expenses, but by some for education. Used by some towns for education one year, and general expenses another. Much of it is only an obligation to-day.

13. Michigan.

1836 — Received three quotas; $286,751.49.
1837 — Used for current expenses, except $26,751.49, which was put into an internal improvement fund.

14. Mississippi.

1837 — Received four quotas; $332,355.30. No definite records. Probably all spent for state expenses before 1842, when the treasury was empty.

15. Missouri.

1837 — Received four quotas; $382,335.30.
1837 — To be invested in bank stock; profits for common schools. Fund to be known as the common school fund. Interest to be added to principal until the fund reached $500,000.
1865 — New constitution confirmed the grant for schools. Fund now invested in Missouri state bonds.

16. New Hampshire.

1837 — Received seven quotas; $669,086.79.
1837 — Distributed among the towns.
1838 — Towns permitted to use the fund for any legal purpose.
1841 — Towns authorized to dispose of money any way, by town-meeting vote. About fifty towns used it for education, while the others seem to have distributed it per capita. No record of amount given towns.

17. New Jersey.

1836 — Received eight quotas; $746,670.60. Governor recommended that it be added to the school fund.
1837 — Distributed to the counties, on basis of state tax paid. Income to be paid to townships on same basis. Used for schools, buildings, and general expenses. Much of the fund used up.
1867 — Whole income required to be appropriated for schools. In many counties it is an annual tax instead of interest.

18. New York.

1837 — Received forty-two quotas; $4,014,520.71.
1837 — Deposited with the counties, to be loaned at seven per cent. Comptroller to make good losses from income, which has kept the fund intact. Losses in some years large. Income appropriated since for schools, libraries, and to increase the principal of permanent fund. Fund badly managed by the counties.

19. North Carolina.

1837 — Received fifteen quotas; $1,433,727.39.
1837 — Used for state expenses, $100,000; balance invested for the benefit of educational funds. Investments profitable, but swept away by the Civil War.

20. Ohio.

1836 — Received twenty-one quotas; $2,007,260.36.
1837 — Divided among the counties on basis of male population, to be loaned. All county interest up to five per cent to be used for schools, and counties responsible for this rate of interest.
1843 — Surplus revenue pledged for $1,500,000 loan for canals. Loans called in. State borrowed about half of it.
1851 — "Balance" added to the school fund.

21. Pennsylvania.

1836 — Received thirty quotas; $2,867,514.78.
1836 — Deposited in banks; interest for the benefit of schools.
1837 — $500,000 appropriated for schools and buildings, nearly doubling the school term for the year.
1840 — Fund all used up to pay deficits in state's expenses.

22. Rhode Island.

1836 — Received four quotas; $382,335.30.
1836 — Placed in banks; interest to be used for schools.
1840 — State began to borrow from fund. By 1852 half had been borrowed by the state.
1859 — Remainder of fund, $155,541.27, transferred to permanent school fund.

23. South Carolina.

1836 — Received eleven quotas; $1,051,422.
1836 — Deposited in bank, to the credit of the state.
1837–1839 — Largely invested in railroad stock, which was very profitable up to the time of the Civil War.

24. Tennessee.

1836 — Received fifteen quotas; $1,433,757.58.
1838 — All invested in the stock of a state Bank; Bank to pay $100,000 of earnings annually for schools, and $18,000 for academies. Paid regularly for many years, but only part used for education.
1866 — Bank insolvent, and ceased operation. Debt of $1,500,000 to school fund recognized, thus including the surplus revenue. Also recognized in the constitution of 1870.

25. Vermont.

1836 — Received seven quotas; $669,086.79.
1836 — Loaned to the towns to be reloaned; interest for schools. Fund saved by most towns; in some spent, and interest became a tax. Called school fund in law.
1906 — Constituted as part of permanent state school fund.

26. Virginia.

1836 — Received twenty-three quotas; $2,198,427.99.
1837 — Invested in bank stock. A little later $225,792.93 transferred to the literary fund, and interest paid on this for schools, up to the Civil War. Fund largely lost.

4. *The Internal Improvement Act of 1841*

In 1841 Congress inaugurated a policy in the matter of the distribution of the public lands, a part of which has ever since been followed.

[*U. S. Statutes at Large*, V, 453.]

AN ACT to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights. Approved, September 4, 1841.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That from and after the 31st day of December, in the year of our Lord 1841, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

SECT. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the nett

proceeds, which nett proceeds shall be ascertained by deducting from the gross proceeds all expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses of the surveyor-general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States; — of all the public lands, wherever situated, which shall be sold subsequent to the said 31st day of December, 1841, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: *Provided*, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct. . . .

SECT. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the nett proceeds of the sales of public lands shall be paid at the Treasury half-yearly on the first day of January and July in each year, during the operation of this act, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

SECT. 4. *And be it further enacted*, That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due, and payable from said State or District, to the United States: *Provided*, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of June 23rd, 1836, entitled "An act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

SECT. 5. *And be it further enacted*, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States

may be entitled, upon the principles of this act, together with what such State or States may be entitled to by virtue of compacts to be made on their admission into the Union.

SECT. 6 provided, that in case the minimum sale price of lands were increased, or in case the "imposition of duties on imports" be changed to a higher rate than twenty per centum "then the distribution provided for in this act shall be suspended."

A change in the tariff laws, taking effect on August 29, 1842, put an end to the ten per cent distribution provided for by the above act. In general the money was used to pay state debts and expenses, or for internal improvements, though in a few states it was put into the school fund. The distributive share of each State from January 1 to August 29 was as follows:

SHARES OF THE STATES AND TERRITORIES UNDER THE DISTRIBUTION ACT OF SEPTEMBER 4, 1841

[From Donaldson, T., *The Public Domain*, p. 753.]

STATE	DISTRIBUTIVE SHARE	STATE	DISTRIBUTIVE SHARE
Maine	$ 19,716.23	Bro't forward	$419,214.58
New Hampshire	11,181.36	Mississippi	14,088.14
Vermont	11,471.09	Louisiana	14,168.99
Massachusetts	28,985.35	Tennessee	29,703.28[1]
Rhode Island	4,276.03	Kentucky	27,776.19
Connecticut	12,180.70	Ohio	61,046.33
New York	95,436.04	Indiana	30,278.13
New Jersey	14,657.17	Illinois	50,563.10
Pennsylvania	67,738.95	Missouri	23,246.55
Maryland	17,057.42	Arkansas	5,012.16
Delaware	3,027.14	Michigan	9,729.57
Virginia	41,657.00	Wisconsin	1,215.72
North Carolina	25,739.60	Iowa	1,693.70
South Carolina	18,214.90	Florida	1,736.29
Georgia	22,750.37	District of Columbia	1,643.72[2]
Alabama	25,125.23	Total grants	$691,116.45
Forward	$419,214.58		

[1] Put in school fund.

[2] For schools.

The law of September 4, 1841, further provided:

SECT. 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided*, That to each of the States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively in such manner as the Legislatures thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than 320 acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively shall have been surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

SECT. 9. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the nett proceeds of the sales of said lands shall be faithfully applied to the objects of internal improvements within the States aforesaid, respectively, namely: Roads, railways, bridges, canals and improvement of watercourses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

At first used for purposes of internal improvements, the grants were gradually changed and placed in the school fund, and Enabling Acts in time came to so specify its use.

The following states received grants under this law:

TABLE SHOWING THE GRANTS MADE UNDER THE INTERNAL IMPROVEMENT ACT OF SEPTEMBER 4, 1841, AND THE USE MADE OF THE GRANT

[Compiled from various sources.]

STATES IN ORDER OF ADMISSION TO UNION		ACRES RECEIVED	USED FOR
1802	Ohio	500,000	Internal improvements
1812	Louisiana	500,000	Internal improvements
1816	Indiana	500,000	Internal improvements
1817	Mississippi	500,000	Internal improvements; 1868, balance of 21,000 acres for schools
1818	Illinois	500,000	Internal improvements
1819	Alabama	500,000	Internal improvements; 1848, for schools
1821	Missouri	500,000	Internal improvements
1836	Arkansas	500,000	Internal improvements
1837	Michigan	500,000	Internal improvements
1845	Florida	500,000	Common school fund
1846	Iowa	500,000	Common school fund
1848	Wisconsin	500,000	Common school fund
1850	California	500,000	Common school fund
1858	Minnesota	500,000	Internal improvements
1859	Oregon	500,000	Common school fund
1861	Kansas	500,000	In school fund by Constitution; State Superintendent Schools says never placed there
1864	Nevada	500,000	Common school fund
1876	Colorado	500,000	Common school fund
Total grants		9,000,000	

Total amount used for schools, about 4,000,000 acres.

After the admission of Colorado the Enabling Act for each state has provided that, in each case, the provisions of the law of September 4, 1841, was not to apply, and, in lieu of it, and also in lieu of the Swamp Land Law of 1850 (see pp. 63–64), specific grants have been made, as follows:

TABLE, SHOWING THE SPECIFIC GRANTS OF PUBLIC LANDS MADE TO THE TEN NEW STATES ADMITTED SINCE THE ADMISSION OF COLORADO, IN 1876, AND MADE IN LIEU OF THE SWAMP LANDS AND INTERNAL IMPROVEMENTS GRANTS PREVIOUSLY MADE TO OTHER STATES. (COMPILED FROM THE ENABLING ACTS)

GRANTS AND ACRES, BY STATES	NORTH DAKOTA 1889	SOUTH DAKOTA 1889	MONTANA 1889	WASHINGTON 1889	WYOMING 1890	IDAHO 1890	UTAH 1897	OKLAHOMA 1907	NEW MEXICO 1911	ARIZONA 1911	TOTAL GRANTS IN ACRES
State University	40,000 [1]	40,000 [1]				50,000 [1]	110,000 [1]	250,000 [3]	200,000	200,000	890,000
University Preparatory School								150,000 [3]			150,000
School of Mines	40,000	40,000	100,000				100,000		150,000	150,000	580,000
Agricultural College	40,000 [2]	40,000 [2]	50,000 [2]	100,000 [2]		100,000 [2]	200,000 [2]	250,000 [3]	60,000 [2]	60,000 [2]	900,000
Colored Agricultural and Mining College								100,000 [3]			100,000
State Normal Schools	80,000	80,000	100,000	100,000		100,000	100,000	300,000 [3]	200,000	200,000	1,260,000
Military Institutes									100,000	100,000	200,000
Reform Schools	40,000	40,000	50,000				100,000				230,000
Deaf, Dumb and Blind Asylums	40,000	40,000	50,000		30,000		200,000		100,000	100,000	560,000
Charitable, Penal and Reformatory Institutions	170,000	170,000		200,000	290,000	150,000		706,540 (Sec. 33)	100,000	100,000	1,886,540
Insane Asylums					30,000	50,000	100,000				180,000
Hospital for disabled Miners					30,000		50,000		50,000	50,000	180,000
Poor Farm					10,000						10,000
Penitentiaries					30,000	50,000			100,000	100,000	280,000
Fish Hatchery					5,000						5,000
Public Buildings	50,000	50,000	150,000	100,000	75,000				100,000	100,000	625,000
Water reservoirs, and irrigation							500,000				500,000
To pay county bonds (any surplus to school fund)									1,000,000	1,000,000	2,000,000
Total acres granted	500,000	500,000	500,000	500,000	500,000	500,000	1,460,000	1,756,540 706,540 [4]	2,160,000	2,160,000	10,536,540
								2,463,080 [1]			
Minimum sale price per acre	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00		Appraised Value	$3, $5, and $25	$3, and $25	

[1] In addition to the two townships (46,080 acres) previously granted for a university.

[2] In addition to lands granted for a College of Agriculture and Mechanic Arts, under the law of 1862.

5. *Swamp Land Grants*

In 1849, on the application of Louisiana, Congress granted to the state all the overflowed and swamp lands within the state, the proceeds to be used to construct levees and drains. The next year this act was made general, by the following law:

[*U. S. Statutes at Large*, IX, p. 519.]

AN ACT to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits. Approved, September 28, 1850.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby, granted to said State.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas, and, at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however*, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

SEC. 3. *And be it further enacted*, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of said subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted*, That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as designated aforesaid, may be situate.

By an act passed in 1855, indemnity-lands for swamp-lands which had been sold were granted; in 1857 all swamp-lands

so far selected and reported were confirmed to the states; in 1860 the provisions of the act were extended to Minnesota and Oregon, but declared not to apply to Kansas, Nebraska, and Nevada; and in 1866 California was included. For all states admitted since, the grant has been declared not to apply, and specific grants of land have been made in lieu. (See table on page 62.)

The following table shows the amount of these grants, and the use which has been made of them:

TABLE SHOWING THE SWAMP LAND GRANTS, AND THEIR USE

STATES	ACRES GRANTED, UP TO 1883	USED FOR	PRODUCED FOR SCHOOLS
Ohio	25,641	School fund	
Indiana	1,257,588	School fund	c. $40,000
Illinois	1,455,297	Drainage; surplus to school fund	
Michigan	5,838,775 (to date)	School fund $972,606; 6,961 acres granted to Agr. Col. $42,397	
Wisconsin	3,265,448	½ for Normal School fund	c. $2,000,000
Minnesota	2,271,967	½ for schools; ½ for charitable insts.	
Iowa	1,176,184		
Missouri	3,370,840	County school funds	c. $3,000,000
Arkansas	7,134,507	Internal improvements	
Louisiana	8,746,659	Internal improvements	
Mississippi	2,988,646	To school fund after 1868	
Alabama	395,315	Internal imps.; Const. of 1868 put in school fund, but probably not done	
Florida	14,958,706	(?)	
California	1,873,325 (to date)	To Univ. of California	c. $1,000,000
Oregon	27,685	Part to school fund	

6. *Forest Reserve Income*

In 1908 a new source of income was added for certain western states, by the following Act of Congress:

[*U. S. Statutes at Large*, Vol. 35, Part I, p. 260.]

AN ACT, Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, 1909. Approved, May 23, 1908.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated. . . .

Forestry Service

That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

The amounts so far paid under this provision have been: —

1908	$444,379.00
1909	438,702.81
1910	506,194.83
1911	482,376.18
1912	506,572.94
1913	542,691.33
1914	632,140.69

7. *Recent Enabling Acts*

For a long time the different Enabling Acts followed the Michigan, or later, the Oregon plan with respect to school land grants. With the increasing value of the lands granted, and the increase in importance of public education, Congress has not made more liberal grants, but has at the same time provided greater safeguards against the waste or diversion of only the endowments granted. A few recent Enabling Acts will show this.

The Enabling Act for Colorado, approved March 3, 1875, contained the first restriction as to sale price. After reproducing the Oregon type of grant it adds:

[Poore, B. P., *Charters and Constitutions*, I, 219.]

Sec. 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school-fund, the interest of which to be expended in the support of common schools.

The next Enabling Act passed was the one for the admission of North and South Dakota, Montana, and Washington, in 1889, and this contained added conditions as to the sale of the lands, and a new provision relating to the control of the schools so endowed, as follows:

[*U. S. Statutes at Large*, Vol. 25, p. 679–80.]

AN ACT to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States. Approved, Feb. 22, 1889.

Sec. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sec. 14. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

The Enabling Acts for Idaho and Wyoming, in 1890, followed practically the same lines, as did the one for Utah, in 1894,

except that the grants to Utah were larger. In the Enabling Acts for Oklahoma in 1906, and for Arizona and New Mexico in 1911, still further safeguards were inserted and larger grants made. This may be seen from the following reproduction of the educational sections of the Oklahoma Enabling Act.

[*U. S. Statutes at Large*, Vol. 34, p. 270.]

AN ACT To enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States. Approved, June 16, 1906.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That . . .

SEC. 3. Fifth. That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all of the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That nothing herein shall preclude the teaching of other languages in said public schools: *And provided further*, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children. . . .

SEC. 7. That upon the admission of the State into the Union sections numbered sixteen and thirty-six, in every township in Oklahoma Territory, and all indemnity lands heretofore selected in lieu thereof, are hereby granted to the State for the use and benefit of the common schools: *Provided*, That sections sixteen and thirty-six embraced in permanent reservations for national purposes shall not at any time be subject to the grant nor the indemnity provisions of this Act, nor shall any lands embraced in Indian, military, or other reservations of any character, nor shall land owned by Indian tribes or individual members of any tribe be subjected to the grants or to the indemnity provisions of this Act until the reservations shall have been extinguished and such lands be restored to and become a part of the public domain: *Provided*, that there is sufficient untaken public land within said State to cover this grant: *And provided*, That in case any of the lands herein granted to the State of Oklahoma have heretofore been confirmed to the Territory of Oklahoma for the purposes specified in this Act, the amount so confirmed shall be deducted from the quantity specified in this Act.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five million dollars for

the use and benefit of the common schools of said State in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such law said appropriation shall not be paid, but said State shall be allowed interest thereon at the rate of three per centum per annum, which shall be paid to said State for the use and benefit of its public schools. Said appropriation of five million dollars shall be held and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be used exclusively in the support and maintenance of said schools: *Provided*, That * * * [provision whereby the United States retains control of the Sulphur Springs reservations].

SEC. 8. That section thirteen in the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, reserved by the President of the United States by proclamation issued August nineteenth, eighteen hundred and ninety-three, opening to settlement the said lands, and by any Act or Acts of Congress since said date, and section thirteen in all other lands which have been or may be opened to settlement in the Territory of Oklahoma, and all lands heretofore settled in lieu thereof, is hereby reserved and granted to said State, for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established or hereafter to be established, one-third; and of the Agricultural and Mechanical College and the Colored Agricultural Normal University, one-third. The said lands or the proceeds thereof shall be divided between the institutions as the legislature may prescribe: *Provided*, That the said lands so reserved or the proceeds of the sale thereof shall be safely kept or invested and held by said State, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university.

That section thirty-three, and all lands selected in lieu thereof, heretofore reserved under said proclamation and Acts for charitable and penal institutions and public buildings, shall be appropriated and disposed of as the legislature of said State may prescribe.

Where any part of the lands granted by this Act to the State

of Oklahoma are valuable for minerals, which terms shall also include gas and oil, such lands shall not be sold by the said State prior to January first, 1915; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith.

SEC. 9. That said sections sixteen and thirty-six, and lands taken in lieu thereof, herein granted for the support of common schools, may be appraised and sold at public sale in one-hundred and sixty acre tracts or less, under such rules and regulations as the legislature of the said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of such schools. But said lands may, under such regulations as the legislature may prescribe, be leased for periods not to exceed ten years; and such lands shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 10. That said sections thirteen and thirty-three, aforesaid, may be appraised and sold at public sale, in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, but said lands may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and until such time as the legislature shall prescribe such rules these and other lands granted to the State shall be leased under existing rules and regulations, and shall not be subject to home-

stead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe as aforesaid such lands shall be leased under existing rules: *Provided*, That before any of the said lands shall be sold, as provided in sections nine and ten of this Act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers, who shall be non-residents of the county wherein the land is situated, to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisement of said lands at the actual cash value thereof, exclusive of improvements, and shall separately appraise all improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements, and to the State the amount bid for the said lands, exclusive of the appraised value of the improvements; and at said sale no bid for any tract at less than the appraisement thereof shall be accepted.

SEC. 11. That an amount equal to five per centum of the proceeds of the sales of public lands lying within said State shall be paid to the said State, to be used as a permanent fund, the interest only of which shall be expended for the support of the common schools within said State.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the Act of September fourth, 1841, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the Act of September twenty-eighth, 1850, and Sec. 2479 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant is hereby declared not to extend to said State of Oklahoma, the following grant of land is hereby made to said State from public lands of the United States within said State, for the purposes indicated, namely: For the benefit of the Oklahoma University, two hundred and fifty thousand acres; for the benefit of the University Preparatory School, one hundred and fifty thousand acres; for the benefit of the Agricultural and Mechanical College, two hundred and fifty thousand acres; for the benefit of the Colored Agricultural and Normal University, one hundred thousand acres; for the benefit of normal schools, now established or hereafter to be established, three hundred thousand acres. The lands granted by this section shall be selected by the board for the leasing school lands of the

Territory of Oklahoma immediately upon the approval of this Act. Said selections as soon as made shall be certified to the Secretary of the Interior, and the lands so selected shall be thereupon withdrawn from homestead entry.

III. Value of the Grants for Common Schools

As nearly as can be determined and estimated the value of these grants made for common schools is about as follows:

I. States admitted before 1825. — All received but one section of land. The five per cent fund used everywhere for internal improvements, except in Illinois. Land sold at low prices, with some large losses. No state with a large actual fund, and in no state have the national grants produced over eight millions of dollars for education.

1. Tennessee. — Admitted in 1796. By the act of 1806 (p. 26) one section to be reserved for schools in about two-thirds of state. Often no reservation made, and where made lands frequently sold for from one to twelve and a half cents an acre. Proceeds used to start a school fund, though little was produced. In 1836 the Surplus Revenue deposit of $1,433,757.58 invested in State Bank stock, the bank to pay $100,000 annually for schools and $18,000 for academies. By 1866 bank insolvent, and in 1873 the debt to the School Fund, for all, recognized at $1,500,000, on which the state now pays six per cent interest from the proceeds of taxes.

2. Ohio. — Admitted in 1802. Received the 16th section for schools, in all 704,488 acres. Permission to sell same granted in 1826. Also received 24,216 acres of saline lands, which produced $41,024 for the school fund. In 1850 received 25,640 acres of swamp lands, which were also added to the school fund. Land sold early, much of it at low prices. In 1836 state received $2,007,260.36 of Surplus Revenue, about half of which was added to the school fund. In 1912 the total school fund accumulated from all these sources, plus a few additions, was $2,610,245, while unsold lands were valued at $258,346.

3. Louisiana. — Admitted in 1812. Some years later granted the 16th section for schools in all unsold regions (about ninety-eight per cent of the state), a total of 786,044 acres. Permission to sell same granted in 1843. Much land of little value, and much still on hand. By 1859 the fund from land sales was $899,500. In 1872 the legislature appropriated the fund and spent it.

In 1874 the state's debt to the school fund recognized at $1,130,867.51, and interest on this at four per cent paid now from state taxes. In 1876 the interest on the spent Surplus Revenue of 1837, amounting to $447,919.14 also put into the school fund, and this also is paid from taxation.

4. Indiana. — Admitted in 1816. Received the 16th section for schools, a total of 650,317 acres. Permission to sell granted in 1828, by township vote. All sold but 864 acres, producing a fund of $2,475,856.83, thus averaging about $3.75 for each acre of land. The state also received 28,829 acres of saline lands, which produced $48,943.13, and this was added to the school fund. The state also received 1,257,588 acres of swamp land, the net proceeds of which were to go into the school fund, but how much came from this source is not shown, though it is known that the amount was quite small. In 1836 received $860,254.44 of Surplus Revenue, which in 1851 was added to the school fund. Certain small annual additions have been made to the fund since 1851, and the total fund is now nearly eleven and a half million dollars, about half of which probably came from the national grants.

5. Mississippi. — Admitted in 1817. Received the 16th section for schools, a total of 837,584 acres. Permission granted by Congress to lease for 99 years. Much mismanagement and loss. Swamp lands added to school fund after 1868, and five per cent fund after 1882. Amount received from swamp lands unknown. Five per cent fund has since produced only about $75,000, as nearly all public land has been sold. All spent; present fund recognized as $816,615, on which the state pays interest.

6. Illinois. — Admitted in 1818. Received the 16th section for schools, a total of 985,066 acres. Permission to sell granted in 1843. All sold but 6,639 acres, but these are estimated as worth $12,598,670. The most valuable of these lands are located in the heart of the business district of Chicago, and belong to the City of Chicago rather than to the state. The state also received about four million acres of swamp lands, and all expended balances from these, after paying for drainage, was to go to the school fund. By 1885 it was estimated that the swamp lands had produced $600,000 for education. This would leave about six million dollars in the township fund, presumably derived from the sale of school lands, or an average of about six dollars per acre. The three per cent fund for schools has produced $613,362.96, one-sixth of which ($156,613.32) has been used as an endowment for normal schools. Theoretically $335,592.32 of the Surplus Revenue was added to the school fund, and on this the state pays interest at six per cent, by taxation. Total common school fund, in 1912, counting all unsold lands, $19,168,579.

7. Alabama. — Admitted in 1819. Granted the 16th section for schools, a total of 902,774 acres. Permission to sell granted in 1827. In 1848 the 500,000 acre grant added to school fund by permission of Congress. By 1855 $1,244,793.36 had been accumulated from land sales. About 250,000 acres still on hand, estimated as worth $12 per acre. In 1876 the spent Surplus Revenue fund of $669,088.95 included in name in the school fund, and interest at four per cent by taxation paid by the state. Present fund, including Surplus Revenue and minor additions within recent years, $2,135,313.

8. Missouri. — Admitted in 1821. Received the 16th section, in all 1,199,139 acres. The township fund from sale of these lands now $2,445,169, an average of a little over two dollars per acre. State also received 46,080 acres of saline lands, which were put into state school fund. This state fund was further increased in 1837 by the addition of the Surplus Revenue fund, $383,335.30, and by $132,000 from sale of state tobacco warehouse in 1865. The state fund has had some other additions, and now stands at $3,159,281. The state also received 3,370,840 acres of swamp lands, which were put into a series of county school funds. These, increased by the sale of estrays, and by fines and forfeitures, now total $5,618,630. The various common school funds of the state have profited, probably, between six and seven millions of dollars from the national grants.

II. States admitted after 1825 and before 1850. — All received but one section of land. Five per cent fund and 500,000 acres of land used by many for education. All have small permanent funds, though, except Texas. Much mismanagement and waste has characterized the management of the lands, and in some states the fund has been borrowed by the state and spent, leaving only a "perpetual obligation" upon which the state pays interest by means of taxation.

1. Arkansas. — Admitted in 1836. Received the 16th section for schools, a total of 886,460 acres. Permission to sell granted in 1843. In 1844 Congress granted permission to add the two townships of university land (46,080 acres) to the common school fund. The two townships of saline lands also so added, making a total of 978,620 acres. One-fifth sold before the Civil War, and the whole proceeds lost in the struggle. Debt never capitalized. Since the War a new fund of $1,134,500 built up.

2. Michigan. — Admitted in 1837. Granted the 16th section for schools, a total of 1,067,397 acres. By 1910 the fund from the

sale of these lands amounted to $4,345,820, with a few acres still unsold, an average of a little over four dollars per acre. In 1850 and 1857 the state received 5,838,775 acres of swamp land, all but 6,961 acres of which was put into the school fund. This has so far produced $972,606 for the school fund, and $42,397 for the agricultural college. Both of these funds were spent by the state, and exist to-day as obligations, the state paying interest at seven per cent on the 16th section fund, and at five per cent on the swamp land fund. The state also received two townships of saline lands (46,080 acres). Of this 16,000 acres was used to start a normal school fund, which has since produced about $70,000 of endowment, and the remainder was put into an agricultural college fund. The national endowment for schools produced about five and a half millions of dollars for the school fund.

3. Florida. — Admitted in 1845. Received the 16th section lands for schools, a total of 908,503 acres. The 500,000 acres of land granted by the law of 1841 was also put into the school fund. All the fund built up before the War was lost in that struggle. The five per cent fund was also put into the school fund, and had produced $130,141 by 1910. Nearly a quarter of a million acres are still on hand, much of it of little value. A new fund of $1,415,-155 has been built up since the War, though only in part from the sales of land.

4. Texas. — Admitted to the Union by annexation in 1845. No lands were granted it by Congress, but as early as 1839 the state itself had set aside school lands, three leagues of land to a county. In 1866 all alternate sections along railway grants were devoted to schools, and in 1869 the proceeds of the sale of all public lands were put into the school fund. The present school fund is approximately $65,000,000, with additional county funds of over $11,000,-000. There are also about four millions of acres of unsold lands, estimated as worth $1.50 each now. Texas will probably in time have a school fund of nearly $100,000,000, built up by itself from its own lands.

5. Iowa. — Admitted in 1846. Received the 16th section for schools, a total of 905,144 acres. The grant of 500,000 acres of land to new states, the five per cent fund, and the saline lands were all put into the school fund, a total of 1,451,224 acres. The five per cent grant produced $633,638 for schools. All school lands have been sold, except 200 acres, and the school fund, with certain additions from other sources, now amounts to $4,799,722. The school lands probably sold for an average of not over two dollars per acre.

6. Wisconsin. — Admitted in 1848. Received the 16th sec-

tion for schools, a total of 958,649 acres. The 500,000 acres of land to new states was also added to the school fund, as was the five per cent fund. This latter had produced $586,046 up to 1910. The lands have all been sold, but produced little, due to gross mismanagement. The total fund at present is only $3,926,226. The school lands probably averaged little over $1.25 per acre. The 46,080 acres of saline lands were given to the university, and produced about $150,000. The two townships of university lands produced about the same amount. The state also received 3,071,458 acres of swamp land, half of which was given to found a normal school fund. This is now about two millions of dollars, which means about the same average sale price.

III. States admitted from 1850 to 1880. — All of these states received two sections for schools, and nearly all added the five per cent fund and the 500,000 acres of land to the school fund. Much greater care of the school lands now characterizes the action of the state, and for the first time we meet a group having large and growing school funds.

1. California. — Admitted in 1850. The first state to receive the 16th and 36th sections for schools. The 500,000 acres of land given to new states was also added to the school fund, as was the five per cent fund. The total grant for schools, including the new state lands grant, was 7,219,324 acres. The state still has much land unsold. Up to 1909 the sale price was $1.25 per acre, but since then sold by auction, and the price has averaged about $7 per acre. The five per cent fund had produced $1,032,896 by 1910, and produced $17,754 that year. By 1876 the school lands had produced a fund of but $1,737,500. The total school fund now is about six millions, about two-thirds of which has come from the sale of school lands. The fund probably will reach about $10,000,000, not counting additions made from other sources. With better management it should have been three times this amount.

2. Minnesota. — Admitted in 1858. Received the 16th and 36th sections for schools, a total of 2,969,990 acres. The swamp land grant of 2,271,967 acres was devoted, one-half to the school fund, and one-half to a fund for charitable and reformatory institutions. The land sales have brought in over ten millions of dollars. The permanent fund is now about $22,000,000, and increasing a million a year from sales of land and timber, mineral leases, and iron royalties. The minimum sale price was fixed at $5 per acre in 1861, and present sales are much above this price.

Much of the land is underlaid with rich iron ore, and it has been estimated that in time a fund of $100,000,000 will be produced from these grants.

3. Oregon. — Admitted in 1859. Received the 16th and 36th sections for schools, a total of 3,329,706 acres. The grant of 500,000 acres to new states, and the five per cent fund, were also added to the common school fund, as were a part of the swamp lands. The five per cent fund had produced $675,370 by 1910, and $41,145 was added in that year. The fund at present is $6,211,805 and with about 500,000 acres of unsold land under lease. Probably nearly five millions of this has come from the sale of school lands, and probably a fund of nine to ten millions may be produced as a result of the Congressional grants for schools.

4. Kansas. — Admitted in 1861. Received the 16th and 36th sections, a total of 2,801,306 acres. The 500,000 acre grant to new states was also added to the school fund by the constitution of 1859, but the State Superintendent of Instruction says that it was never put there. The saline grant was used largely for a normal school fund.

The school lands have all been sold, and the present state school fund is $9,100,000. The five per cent fund was also devoted to schools, and had produced $1,112,246 by 1910. The lands probably averaged about $2.50 per acre.

5. Nevada. — Admitted in 1864. Received the 16th and 36th sections, but in 1880, after a few acres had been sold, the state exchanged all remaining lands with the National Government for 2,000,000 acres, to be located by the state. The 500,000 acres of land granted to new states, and the five per cent fund, at first granted for internal improvements, were later put into the school fund by consent of Congress. The five per cent fund had produced but $23,324 by 1910. The total school fund is only about $600,000 at present. Much of the school land is still on hand. Eventually, a fund of possibly two to three millions may be produced from the national grants.

6. Nebraska. — Admitted in 1867. Received the 16th and 36th sections, a total of 2,702,044 acres. The 500,000 acre grant to new states and the five per cent fund were also added to the school fund. In 1867 a minimum price of $7 per acre was fixed, and in 1875 this was raised to appraised value. About half of the school lands have been sold, and a fund of about eight millions has been produced; 1,681,678 acres are now under lease, and estimated as worth ten dollars an acre, but probably will sell for more. A fund of $25,000,000 from the government grants for schools seems assured for the state. The five per cent fund had produced $540,377 by 1910, and is still increasing slowly.

7. Colorado. — Admitted in 1876. Received the 16th and 36th sections, a total of 3,715,555 acres. A minimum price of $2.50 per acre was fixed by Congress, and raised to $3.50 by the state in 1887. By 1908 only 187,402 acres had been sold, and three-fourths of the remainder was under lease. There were, at last reports, 2,553,598 acres under lease, estimated as worth $10 per acre, and 811,008 acres not under lease. The five per cent fund was also added to the school fund.

The present state fund consists of $1,601,907 in actual funds, and a debt of the state to the fund of $1,225,975, making a total of $2,827,882. It seems not improbable that a fund of $30,000,000 will be produced, in time, from the national grants.

IV. States admitted since 1880. — All received two sections and the five per cent fund for schools, while three states received four sections. These grants will be further increased as the title to Indian reservations is extinguished. It is in this group of states that the largest schools funds may be expected.

1. North Dakota. — Admitted in 1889. Received the 16th and 36th sections for schools, a total of 2,542,940 acres, with a minimum sale price of $10 per acre fixed by Congress. About two-fifths of the land has been sold, at an average of about $16 per acre, though recent sales have been much higher. The five per cent fund was also added to the school fund, and had produced $433,905 by 1910, and is increasing rapidly. The increase for 1909–10 was $55,167. The present school fund is $15,351,441, and is increasing rapidly. The 1,572,915 acres still on hand are estimated as worth about $22,000,000. Probably a fund of $50,000,000 will in time be produced from the government grants for common schools.

2. South Dakota. — Admitted in 1889. Received the 16th and 36th sections for schools, a total of 2,539,175 acres. Minimum sale price fixed at $10 per acre by Congress. About one-fifth of the land has been sold, and a fund of $8,357,817 has been built up. The five per cent fund for schools had produced $178,438 by 1910, and increased $40,567 during the year 1909–10. The unsold lands (2,075,168 acres) are estimated as worth $20 an acre. Probably a fund of $60,000,000 will be produced from the government grants for common schools.

3. Montana. — Admitted in 1889. Received the 16th and 36th sections for schools, a total of 5,112,035 acres. Minimum sale price fixed at $10 per acre by Congress. In 1908 two million acres had not as yet been surveyed, and only one and a half mil-

lion acres were under lease. The permanent fund is now about six millions of dollars, with but a small part of the lands sold. The five per cent fund is also for schools, and this had produced $300,651 by 1910, and is increasing about $25,000 per year at present. The future of the fund is problematical, but it should produce sixty to seventy-five millions, and may produce one hundred millions under wise management.

4. Washington. — Admitted in 1889. Received the 16th and 36th sections for schools, a total of 2,488,675 acres. Minimum sale price fixed at $10 per acre by Congress. The five per cent fund, given for schools, had produced $367,700 by 1910, and is increasing. A state school fund of over eight millions has been built up so far from a sale of about one-eighth of the land. This is at an average of about three times the minimum sale price. The 2,055,073 acres remaining unsold are estimated as worth $20 an acre, and it seems not improbable that a school fund of sixty to seventy-five millions may be produced from the national grants for schools, if the lands are wisely managed.

5. Idaho. — Admitted in 1890. Received the 16th and 36th sections for schools, a total of 3,068,231 acres. Minimum price fixed by Congress at $10 per acre. Sales so far have averaged twice this price. A fund of about three and a half million dollars has been built up so far from the sales of only a small part of the land, there still being 2,811,596 acres of unsold land. The five per cent fund, given for schools, had produced $206,723 by 1910, and is an increasing fund. It seems probable that the state may realize a fund of from forty to fifty millions from the national grants for schools.

6. Wyoming. — Admitted in 1890. Received the 16th and 36th sections for schools, a total of 3,480,281 acres. Minimum sale price fixed by Congress at $10 per acre. The five per cent fund was also given for schools, and had produced $160,185 by 1910. By 1908 only 22,271 acres had been sold. The status of the fund in 1912 was stated as follows:

Permanent state fund	$ 191,973
3,758,010 acres unsold, estimated as worth	3,179,000
	$3,370,973

What the fund will produce in time is problematical. If a sale price of $10 per acre could be realized, a fund of $35,000,000 should be produced in time. If only $3 per acre, the minimum price fixed for Arizona, a fund of $12,000,000 should be produced in time.

7. Utah. — Admitted in 1896. Received the 2d, 16th, 32d, and 36th sections for schools. No minimum sale price fixed, as the value of much of the land is problematical. The total grant was 6,007,226 acres. The five per cent fund was also given for schools, and this had produced $54,286 by 1910, one-fifth of which was received that year. The amount produced by 1912 was $1,173,975, while the total estimated value of lands and fund was $5,170,527. If the minimum sale price fixed for Arizona and New Mexico, $3 per acre, could be realized, a fund of $20,000,000 should eventually be built up from the national grants for common schools.

8. Oklahoma. — Admitted in 1907. Received the 16th and 36th sections, in Oklahoma proper, for common schools, a total of 1,240,242 acres, and $5,000,000 in lieu of grants in the Indian Territory. Minimum sale price fixed at appraised value. The five per cent fund also given for schools. This had produced, up to 1910, $38,644, the amount in 1909–10 being $24,041. The school lands were estimated as worth $20 per acre, and probably will average higher. If properly managed a fund of $30,000,000 to $40,000,000 should be produced from the government grants for common schools alone.

9. Arizona. — Admitted in 1911. Received the 2d, 16th, 32d, and 36th sections for common schools. Minimum sale price fixed at $3 per acre for ordinary lands, and $25 per acre for irrigation lands. Total grant for common schools, 8,100,694 acres. The five per cent fund also granted for common schools. One million acres granted to certain counties to pay off certain bonds, and any surplus also to go to the school fund. Value of the lands somewhat uncertain, but a fund of from thirty to forty millions for schools should eventually be produced.

10. New Mexico. — Admitted in 1911. Received the same grants as Arizona, a total of 8,618,736 acres. Minimum sale price fixed at $3 per acre in western New Mexico, $5 per acre in eastern New Mexico, and $25 per acre for irrigated lands. A fund of from thirty-five to forty-five millions should eventually be produced for schools from these grants.

IV. National Aid to Higher Education

1. *Seminary Township Grants*

This was first begun in the Ordinance of 1787, relating to the sale of a tract of land to the Ohio Company and confirmed to the state of Ohio by the act of 1803. In 1806 Tennessee

TABLE SHOWING THE GRANTS OF LAND TO EACH STATE FOR UNIVERSITY PURPOSES

STATE	DATE OF ADMISSION	ACRES RECEIVED
Ohio	1802	69,120
Louisiana	1812	46,080
Indiana	1816	69,286
Mississippi	1817	69,120
Illinois	1818	46,080
Alabama	1819	92,160 [1]
Missouri	1821	46,080
Arkansas	1836	46,080 [2]
Michigan	1837	46,080
Florida	1845	92,160
Iowa	1846	46,080
Wisconsin	1848	92,160
California	1850	52,480
Minnesota	1858	92,160
Oregon	1859	46,080
Kansas	1861	46,080
Nevada	1864	46,080
Nebraska	1867	46,080
Colorado	1876	46,080
North Dakota	1889	126,080
South Dakota	1889	126,080
Montana	1889	146,560
Washington	1889	46,080
Idaho	1890	95,080
Wyoming	1890	46,080
Utah	1896	256,080 [3]
Oklahoma	1907	635,514 [4]
New Mexico	1912	397,703
Arizona	1912	396,080
Total		3,406,863

[1] Grant doubled in 1884.
[2] Put in Common School Fund in 1844.
[3] Plus all saline lands.
[4] Including Section 13 in each township, estimated at 235,514 acres

was granted 100,000 acres of land for two colleges. In the Enabling Act for Indiana, in 1816, the following clause occurs:

Sec. 6, *Fourth.* That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature. (Poore, B. P., *Charters and Constitutions,* I, 499.)

All states have since received two townships (46,080 acres) and a few have received a larger amount.

Beginning with 1889 a new policy was adopted, and the last ten states admitted have received large grants for higher education. (See Table of Specific Grants, page 62.) In the case of Oklahoma (see Enabling Act, Sec. 8) one section of land was granted for the aid of the university, normal schools, and agricultural and mechanical colleges, in addition to other liberal grants. Most of the new states have also received liberal grants of land for the aid of normal schools, and for charitable, penal, and reformatory institutions. (See Table of Specific Grants.)

2. *Proposition to grant Land for Universities*

In all of these grants the old original states of course did not share, and propositions have been made, from time to time, to grant land to them also for university purposes, but these met with no success until 1862. The following Report reveals the usual objections raised against such proposals.

Proposition to grant One Hundred Thousand Acres of Land to Each State for the Endowment of a University

Communicated to the House of Representatives, Jan. 18, 1819.

[*American State Papers, Public Lands,* III, p. 363.]

Mr. Poindexter, from the Committee on Public Lands, to whom was referred a resolution instructing said committee to inquire into

the expediency of appropriating one hundred thousand acres of land to each State, for the endowment of a university in each State, reported:

That they are fully impressed with the propriety and importance of giving every encouragement and facility to the promotion of learning, and the diffusion of knowledge over the United States, which can be done without a violation of the principle of the constitution, and the system of policy heretofore adopted for the advancement of the general welfare. The proposition under consideration is, whether it be or be not expedient to authorize a grant of one hundred thousand acres of land to each State in the Union, making in the whole two million three hundred thousand acres, to be vested in bodies corporate, created by the several States having the care and management of their respective universities. Your committee have no specific knowledge of the necessity which exists for this appropriation, in reference to any particular State whose resources may not be adequate to the support of literary institutions, as no petitions or memorials have been referred to them on the subject. In the absence of these it is fair to presume that the internal wealth and industry of the population, composing the several States, have been found sufficient to answer all the purposes of public education and instruction, so far as they have deemed it prudent and necessary to apply the means they possess to those objects. But if the aid of the General Government should, at any time, be required to enable a particular State, or every member of the Union, to carry into effect a liberal and enlarged system of education, suited to the views, capacities, and circumstances, of all classes of society; and if it should be thought wise and constitutional to extend to them the national bounty, the donation of extensive tracts of lands in the unappropriated Territories of the United States appears to your committee to be the most exceptionable form in which the requisite assistance could be granted. To invest twenty-three corporations, acting under State authority, with a fee simple estate in two million three hundred thousand acres of land, to be located in the Western States and Territories, would put it in their power to impede the settlement of that section of the Union by withholding these lands from market; to interfere with the general regulations now in force for the disposal of the public lands; to divide settlements which would otherwise be contiguous; and, consequently, to lessen the value of the lands offered for sale by the United States in the neighborhood of these large grants, which may remain unoccupied for any length of time, at the discretion of the Legislature of the State to which the donation is made. Your committee are of opinion

that, besides these strong objections to the donations proposed in the resolutions submitted to their consideration, it does not comport with sound policy, or the nature of our republican institutions, to grant monopolies of large and extensive tracts of the public domain, either to individuals or bodies corporate. The lands of the United States ought, as far as practicable, to be distributed in small quantities among the great body of the people for agricultural purposes; and this principle ought in no instance to be violated, where the grantee is exempted from the payment of a valuable consideration to the Government. Your committee are sensible that it may be found necessary and useful, for the promotion of learning in this growing republic, either to endow a national university, or to extend its benevolence in a reasonable and proper proportion to individual States; but, in either case, they are of opinion that the requisite aid should be given in money and not in the mode pointed out in the resolution referred to them. They, therefore, recommend the following resolution to the House: *Resolved*, That it is inexpedient to grant to each State one hundred thousand acres of land for the endowment of a university in each State.

3. *The Land-Grant Colleges*

In 1850 the legislature of Michigan petitioned Congress for a grant of 350,000 acres of public land to found a college of agriculture, and for the next twelve years this matter was before Congress, in one form or another, and from time to time. In 1858 Michigan repeated its petition. In 1859 a bill was passed, granting 20,000 acres of land for each member in Congress to each state for the purpose, but was vetoed by President Buchanan as unconstitutional and bad in principle. In 1862 a similar bill, granting 30,000 acres instead of 20,000, was passed by Congress and approved by President Lincoln. The policy thus begun has been extended, from time to time, until to-day national aid for the colleges of agriculture and mechanic arts forms an important and very significant feature of the relation of the Federal Government to the educational work of the states.

The veto of President Buchanan, in 1859, is interesting, as presenting the old arguments against national aid, and as a prediction of evils which both did and did not come to pass.

Veto Message of the 1859 Bill

[*House Misc. Docs.*, 2d Sess., 53d Cong., Vol. 37, Part V, p. 543.]

Washington City, February 24, 1859.

To the House of Representatives of the United States:

I return with my objections to the House of Representatives, in which it originated, the bill entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," presented to me on the 18th instant.

This bill makes a donation to the several States of 20,000 acres of the public lands for each Senator and Representative in the present Congress, and also an additional donation for any Representative to which any State may be entitled under the census of 1860.

According to a report from the Interior Department, based upon the present number of Senators and Representatives, the lands given to the States amount to 6,060,000 acres, and their value, at the minimum Government price of $1.25 per acre, to $7,575,000. . . .

I shall now proceed to state my objections to this bill. I deem it to be both inexpedient and unconstitutional.

1. This bill has been passed at a period when we can with great difficulty raise sufficient revenue to sustain the expenses of the Government. Should it become a law the Treasury will be deprived of the whole, or nearly the whole, of our income from the sale of public lands, which for the next fiscal year has been estimated at $5,000,000.

A bare statement of the case will make this evident. The minimum price at which we dispose of our lands is $1.25 per acre. At the present moment, however, the price has been reduced to those who purchase the bounty warrants of the old soldiers to 85 cents per acre, and of these warrants there are still outstanding and unlocated . . . the amount of 11,990,391 acres. This has already diminished the current sales by the Government and diminished the revenue from this source. If, in addition 33 states shall enter the market with their land scrip, the price must be greatly reduced below even 85 cents per acre. . . . It is easy to perceive that with this glut of the market Government can sell little or no lands at $1.25 per acre, when the price of bounty-land warrants and scrip shall be reduced to half this sum. . . .

2. Waiving for the present the question of constitutional power,

what effect will this bill have on the relations established between the Federal and State Government? The Constitution is a grant to Congress of a few enumerated but most important powers, relating chiefly to war, foreign and domestic commerce, negotiation, and other subjects which can be best and alone exercised beneficially by the common Government. All other powers are reserved to the States and to the people. For the efficient and harmonious working of both, it is necessary that their several spheres of action should be kept distinct from each other. This alone can prevent conflict and mutual injury. Should the time ever arrive when the State governments shall look to the Federal Treasury for the means of supporting themselves and maintaining their systems of education and internal policy, the character of both Governments will be greatly deteriorated.

3. This bill, should it become a law, will operate greatly to the injury of the new States. The progress of settlements and the increase of an industrious population owning an interest in the soil they cultivate are the causes which will build them up into great and flourishing commonwealths. Nothing could be more prejudicial to their interests than for wealthy individuals to acquire large tracts of the public land and hold them for speculative purposes. The low price to which this land scrip will probably be reduced will tempt speculators to buy it in large amounts. . . .

4. It is extremely doubtful, to say the least, whether this bill would contribute to the advancement of agriculture and the mechanic arts — objects the value and dignity of which can not be too highly appreciated.

The Federal Government, which makes the donation, has confessedly no constitutional power to follow it into the States and enforce the application of the fund to the intended objects. As donors we shall possess no control over our own gift after it shall have passed from our hands. It is true that the State legislatures are required to stipulate that they will carefully execute the trust in the manner prescribed by the bill. But should they fail to do this, what would be the consequence? The Federal Government has no power to compel the execution of the trust. It would be in as helpless a condition as if, even in this, the time of great need, we were to demand any portion of the many millions of surplus revenue deposited with the States for safe-keeping under the act of 1836.

5. This bill will injuriously interfere with existing colleges in the different States, in many of which agriculture is taught as a science and in all of which it ought to be so taught. These institutions of learning have grown up with the growth of the country,

under the fostering care of the States and the munificence of individuals, to meet the advancing demands for education. They have proved great blessings to the people. Many, indeed most, of them are poor and sustain themselves with difficulty. What the effect will be on these institutions of creating an indefinite number of rival colleges sustained by the endowment of the Federal Government it is not difficult to determine. . . .

6. But does Congress possess the power under the Constitution to make a donation of public lands to the different States of the Union to provide colleges for the purpose of educating their own people?

I presume the general proposition is undeniable that Congress does not possess the power to appropriate money in the Treasury, raised by taxes on the people of the United States, for the purpose of educating the people of the respective States. It will not be pretended that any such power is to be found among the specific powers granted to Congress nor that "it is necessary and proper for carrying into execution" any one of these powers. Should Congress exercise such a power, this would be to break down the barriers which have been so carefully constructed in the Constitution to separate Federal and State authority. We should then not only "lay and collect taxes, duties, imposts, and excises" for Federal purposes, but for every State purpose which Congress might deem expedient or useful. This would be an actual consolidation of the Federal and State Governments so far as the great taxing and money power is concerned, and constitute a sort of partnership between the two in the Treasury of the United States, equally ruinous to both. . . .

JAMES BUCHANAN.

In 1862 the following bill, very similar to the one vetoed by President Buchanan, was passed by both houses and approved by President Lincoln:

THE FIRST MORRILL ACT

AN ACT donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts. (*Commonly known as the Morrill Act, or Land-Grant Act of 1862.*) Approved, July 2, 1862.

[*U. S. Statutes at Large*, 37th Congress, p. 503.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be

granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State, a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents or less per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or

of the States, or some other safe stocks yielding not less than five per centum upon the par value of said stocks; and that the money so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section fifth of this act), and the interest of which shall be inviolably appropriated by each State, which may take and claim the benefit of this act to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, regarding any improvements and experiments made, with their cost and results, and such other matters, includ-

ing State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted,* That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted,* That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided,* Their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted,* That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such script until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

By an Act approved July 23, 1866, the above law was amended so as to give all States three years additional to express their acceptance, and five years after expressing their acceptance to provide the college. This permitted the States formerly in rebellion to share in the grant. This law was as follows:

AN ACT to amend section five of an Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts, Approved July 2d, 1862. Approved, July 23, 1866.

[*U. S. Statutes at Large,* 39th Congress, p. 208.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time in

which the several States may comply with the provisions of the act of July 2, 1862, entitled "An act donating public lands, &c.," is hereby extended so that the acceptance of the benefits of said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided*, That when any Territory shall become a State, and be admitted into the Union, such new State shall be entitled to the benefits of the said act of July 2, 1862, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years in which to provide at least one college, as described in the fourth section of said act, after the time for the providing of said college, according to the act of July 2d, 1862, shall have expired.

In 1887 Congress began the policy of assisting these colleges to do more extended work, by the following Act, and this policy has been continued in subsequent Acts. This act of 1887, with subsequent amendments, is as follows:

Experiment Stations

AN ACT to Establish Agricultural Experiment Stations in connection with the Colleges Established in the Several States Under the Provisions of an Act Approved July Second, Eighteen Hundred and Sixty-two, and of the Acts Supplementary Thereto. (*Commonly known as the Hatch Act.*)

(*Act of March 2, 1887, ch. 314. 24 Stat. L. 440.*)

(Sec. 1.) (*Aid to State agricultural experiment stations at agricultural colleges.*) That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which hereafter may be established, in accordance with the provisions

of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:"

Provided, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct. (*24 Stat. L. 440.*)

SEC. 2. (*Object and duty of such station.*) That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals;

The diseases to which they are severally subject, with the remedies for the same;

The chemical composition of useful plants at their different stages of growth;

The comparative advantages of rotative cropping as pursued under a varying series of crops;

The capacity of new plants or trees for acclimation;

The analysis of soils and water;

The chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds;

The adaptation and value of grasses and forage plants;

The composition and digestibility of the different kinds of food for domestic animals;

The scientific and economic questions involved in the production of butter and cheese;

And such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories. (*24 Stat. L. 440.*)

(*Examination of Soils.*) Experimental Stations. . . . That as far as practicable, all such stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities.[1] (*25 Stat. L. 841.*)

[1] This further duty was imposed on experiment stations by the Appropriation Act of March 2, 1889, ch. 373.

(*Experimental grass stations.*) . . . And the agricultural experiment stations are hereby authorized and directed to coöperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country. . . . (*31 Stat. L. 929.*)[1]

SEC. 3. (*Secretary to advise, assist, furnish forms, etc. Stations to make annual reports.*) That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operation, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States. (*24 Stat. L. 441.*)

(*Form of annual financial statement.*) . . . the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen hundred and eighty-seven. . . . (*32 Stat. L. 301.*)[2]

(*Employment of assistants, incurring expense, etc.*) . . . and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he

[1] This provision is from the Agricultural Appropriation Act of March 2, 1901, ch. 805.

[2] This is from the Appropriation Act of June 3, 1902, ch. 985. The same provision occurs in several preceding appropriation acts. See 31 Stat. L. 935; 29 Stat. L. 103; 28 Stat. L. 271; 28 Stat. L. 734; 30 Stat. L. 953.

may find essential in carrying out the objects of the above Acts, . . . (*32 Stat. L. 302.*)[1]

SEC. 4. (*Bulletins to be issued and mailed free.*) That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe. (*24 Stat. L. 441.*)

(*Index of agricultural literature.*) . . . And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of agricultural literature prepared by the office of experiment stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index. . . . (*32 Stat. L. 302.*)[2]

SEC. 5. (*Annual appropriation. Buildings.*) That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars[3] per annum is hereby appropriated to each State to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however,* That out of the first annual appropria-

[1] Act of June 3, 1902, ch. 985. The same provision has occurred in agricultural appropriation acts for many years. See 31 Stat. L. 935; 30 Stat. L. 953; 29 Stat. L. 103; 28 Stat. L. 734; 28 Stat. L. 271; 27 Stat. L. 740; 26 Stat. L. 1050.

[2] This is from the Agricultural Appropriation Act of June 3, 1902, ch. 985. The same provision occurs in several previous appropriation acts. See 29 Stat. L. 103; 28 Stat. L. 271; 27 Stat. L. 740; 28 Stat. L. 734.

[3] In 1906 this sum was increased to $20,000, and to be further increased by $2000 per annum until a grant of $30,000 was reached. This provision (Laws, 59th Cong., 1st Sess., Chap. 951) is commonly known as the Adams amendment to the Experimental Station Act.

tion so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended. (*24 Stat. L. 441.*)

Payments quarterly. — By the various appropriation acts to carry this Act into effect it has been generally provided that "the sums apportioned to the several states shall be paid quarterly in advance." See 32 Stat. L. 302 (June 3, 1902), and preceding agricultural appropriation acts.

Use of money for agricultural institutes. — "We find no authority in the Act for paying the expenses of attending and holding agricultural institutes." Vincenheller *v.* Reagan (Ark. 1901), 64 S. W. Rep. 279.

Use of appropriation for agricultural colleges. — No portion of the appropriation for experiment stations can be applied to the payment of salaries of professors or teachers in agricultural colleges. 22 Op. Atty.-Gen. 470.

(*Sale of products in Alaska, Hawaii, and Porto Rico.*) . . . the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico, and to apply the moneys received from the sale of such products to the maintenance of said station; . . . (*32 Stat. L. 302*).[1]

Sec. 6. (*Unexpended balance.*) That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support. (*24 Stat. L. 441.*)

Sec. 7. (*Legal relation to States not affected.*) That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located. (*24 Stat. L. 441.*)

Sec. 8. (*Stations established separate from colleges or from those not agricultural.*) That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges,

[1] This provision occurs in the Agricultural Appropriation Act of June 3, 1902, ch. 985.

such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made, to such separate agricultural college, or school, and no legislature shall by contract express or implied disable itself from so doing. (*24 Stat. L. 441.*)

SEC. 9. (*Legislative assent necessary.*) That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants:

Provided, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury. (*24 Stat. L. 442.*)

AN ACT to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto."

(*Act of June 7, 1888, ch. 373.*)

(*When legislature is not in session, governor may assent.*) That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next

regular session of the legislature of such State or Territory. (*25 Stat. L. 176.*)

SEC. 10. (*No permanent obligation imposed on U. S.*) Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act. (*24 Stat. L. 442.*)

In 1890 direct aid for annual maintenance was begun, by the following act:

MAINTENANCE ACTS

AN ACT to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two. (*Commonly known as the second Morrill Act.*)

(*Act of August 30, 1890, ch. 841. 26 Stat. L. 417.*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars,[1] to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the

[1] By the Act of March 4, 1907 (*U. S. Statutes at Large* V. 34, p. 1281), commonly known as the Nelson amendment, this sum was further increased by $5,000, annual increments, until a grant of $50,000 per year was reached.

facilities for such instruction: *Provided*, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That

payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of such moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled respectively to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to the Congress the disbursements which have been made in all

the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reason therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

TABLE SHOWING VALUE OF THE LAND GRANTS FOR COLLEGES OF AGRICULTURE AND MECHANIC ARTS

(Compiled from *Rept. U. S. Com. Educ.*, for 1913.)

Total land grants under the Act of 1862	10,578,529 acres
Total land grants under enabling acts	900,000 "
Total grants of land	11,478,529 acres
Fund produced from sale of 1862 grant lands	$13,524,671
Fund produced from sale of lands granted under enabling acts	3,368,558
Total fund derived from land grants	$16,893,229
Value of:	
Unsold lands of 1862 land grant	$ 4,943,064
Other unsold lands granted	6,657,351
	$11,600,415
Annual income from 1862 land-grant funds	$ 832,673
Annual income from other land-grant funds	197,078
Total annual income from grants	$ 1,029,751

TABLE SHOWING VALUE OF UNITED STATES GOVERNMENT GRANTS, UNDER SUBSEQUENT ACTS

YEAR	EXPERIMENTAL STATION GRANTS		MAINTENANCE GRANTS		TOTAL OF ALL GRANTS MADE
	Maximum grant	Total grant made	Maximum grant	Total grant made	
1887–88	$15,000	$	$	$	$
1888–89	15,000				
1889–90	15,000		15,000		
1890–91	15,000		16,000		
1891–92	15,000		17,000		
1892–93	15,000		18,000		
1893–94	15,000		19,000		
1894–95	15,000		20,000		
1895–96	15,000		21,000	1,008,000	
1896–97	15,000	666,158	22,000	1,056,000	1,722,158
1897–98	15,000	666,243	23,000	1,104,000	1,770,243
1898–99	15,000	666,000	24,000	1,152,000	1,818,000
1899–00	15,000	680,999	25,000	1,200,000	1,880,999
1900–01	15,000	681,000	25,000	1,200,000	1,881,000
1901–02	15,000	680,500	25,000	1,200,000	1,880,500
1902–03	15,000	681,000	25,000	1,200,000	1,881,000
1903–04	15,000	681,000	25,000	1,200,000	1,881,000
1904–05	15,000	681,000	25,000	1,200,000	1,881,000
1905–06	20,000	785,438	25,000	1,200,000	1,985,438
1906–07	22,000	1,007,075	25,000	1,200,000	2,207,075
1907–08	24,000	1,081,639	30,000	1,500,000	2,581,639
1908–09	26,000	1,169,780	35,000	1,750,000	2,919,780
1909–10	28,000	1,296,525	40,000	2,000,000	3,296,525
1910–11	30,000	1,358,538	45,000	2,250,000	3,608,538
1911–12	30,000	1,440,000	50,000	2,500,000	4,020,000
1912–13	30,000	1,440,000	50,000	2,500,000	4,387,635
1913–14	30,000		50,000	2,500,000	

The Agricultural-Extension Act. — In 1914 another new means of aiding the agricultural colleges to extend their work was begun, in the form of National aid for coöperative agricultural extension work, and as provided for in the following Act:

AN ACT to provide for coöperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture.

(*Act of May 8, 1914, ch. 79. 38 Stat. L. 372.*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (Twelfth Statutes at Large, page five hundred and three), and of the Act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes at Large, page four hundred and seventeen and chapter eight hundred and forty-one), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: *Provided further*, That, pending the inauguration and development of the cooperative extension work herein authorized, nothing in this Act shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture.

SEC. 2. That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may mutually be agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this Act.

SEC. 3. That for the purpose of paying the expenses of said

cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $480,000 for each year, $10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this Act: *Provided,* That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this Act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided further,* That there is also appropriated an additional sum of $600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by $500,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of $4,100,000 in addition to the sum of $480,000 hereinbefore provided: *Provided further,* That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sums shall be used only for the purposes hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined by the next preceding Federal census: *Provided further,* That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in this Act.

Sec. 4. That the sums hereby appropriated for extension work shall be paid in equal semiannual payments on the first day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the first day of September of each year, a detailed statement of the amount so received during the previous

fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

SEC. 5. That if any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this Act, and not more than five per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the first day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 6. That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this Act, and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 7. That the Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States receiving the benefits of this Act, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor.

SEC. 8. That Congress may at any time alter, amend, or repeal any or all of the provisions of this Act.

V. Proposals for Special Grants for Public Schools

Since the close of the Civil War two different attempts have been made to extend national aid to the states for the improvement of their public school systems. The first was the series of efforts, made between 1870 and 1889, to establish a national permanent school fund and temporarily to make direct grants to the states, the income to be distributed to the states at first in proportion to the number of illiterates in each. The Hoar bill of 1870 proposed the establishment of a national fund, and the Blair bills of 1881 to 1887 the extension of temporary aid.

The nature of the Blair bill, as well as some of the reasons for its failure, are in part set forth in the following extract from an address, by its author, before the Department of Superintendence of the National Educational Association, in 1887.

[From Circular of Information No. 3, 1887, *U.S. Bureau of Education*, pp. 185–187.]

I have been requested to say a little to the audience with reference to the education bill. This association of superintendents of the country has fathered it from the beginning. It has grown out of the wants of the people of all parts of the country, as they have been brought to the attention of the superintendents of the country. The census also was a revelation, but along with the cold figures of the census came the personal statements of the superintendents of the various states. These statements have been laid before Congress for six or eight years. These statements and some deductions from the census were brought to the attention of the different members of Congress, and finally to the two Houses of Congress. There was for a long time a bill which proposed to give simply the interest of the annual accumulations of the sales of public lands, to distribute this throughout the country upon the basis of population. It was found that this would not amount to much. For the present at least it was no help, and therefore it was that the present educational bill, which has one thing as its leading feature, and that is the appropriation of enough money now to do some good; therefore it was that this educational bill was introduced into the Congress of the United States. That was in the month of December, 1881. It was introduced in the Senate as a report from the Senate committee, but it got no further.

It was discussed, however, and the idea was brought out. The next was the Forty-eighth Congress (1883–5), in which the bill was fully discussed and finally passed the Senate. It appropriated $77,000,000 to be distributed throughout the country upon the basis of illiteracy, during the eight years following its enactment into law. It was just about an average of $10,000,000 a year. It began at 7 millions; went to 10, 15, 13, 11, 9, 7, and 5 millions, during which time the whole amount would have been distributed. The bill was very carefully and fully discussed during several weeks of the Congress, and was finally passed by a vote of 33 to 11. It was not passed by a two-thirds vote or as a party measure. Perhaps it was more generally supported upon the Republican than upon the Democratic side of the Senate, but the difference was so slight that it was not a party measure. The States of Louisiana, Arkansas, and Mississippi gave two votes for it in the Senate; there was one from Alabama, two from Florida, two from Georgia, one from South Carolina, two from North Carolina, one from West Virginia, one from Kentucky, one from Tennessee, etc. As you see, the South as a section really gave more votes than were given against it.

It passed in the Forty-eighth Congress, on the 7th of April, by a vote of 33 to 11. It went to the House, and, notwithstanding the strenuous efforts of Mr. Willis and other members of the House, it failed to be considered; and I ought to say that in the House of Representatives, in the same Congress, there was a measure of like character, though of considerable less power, which was reported from the Senate Committee on Education, but which got no further. Strong influences were against the bill, and it failed. On the assembling of the Forty-ninth Congress (1885–87), just expired, the bill was reintroduced in the Senate in precisely the same form that it had passed before, and after a three weeks' discussion it again passed the Senate by a vote of 36 to 11, gaining three votes. It went to the House last March a year ago, and there it met a bad fate. The Committee on Education, who should have considered such a measure favorably, were found to be opposed to it. Its friends then introduced the bill under another head as a House bill, and it was referred to the Committee on Labor after a somewhat heated contest, which resulted, I believe, in a vote of some fifty majority.

There were some objections to the reference, which seemed to be a slight to the other Committee, who had failed to act upon it. For a long time the Labor Committee, who were expected to report at once, kept the bill in their possession, and at last, after very great pressure, reported adversely on the Senate bill, and presented

a substitute, which was really — I do not risk anything by saying this when I say that the majority report was made for the purpose of killing the bill — reported a substitute which was too ridiculous for consideration. The minority reported in favor of the measure of the Senate, but failed to get consideration through the long session, and so the matter came over to the short session.

Never was greater effort made. Memorials came from all over the country. Over 100,000 signatures were placed to a petition for the passage of the bill, many of them representing large bodies, societies, and organizations of men and women, so that the entire representation — as I am assured by those who have examined into the matter — the entire representation in favor of the bill was not less than 2,000,000 people. The friends of the measure made a strenuous effort to secure its consideration under the direction of the committee who had charge of the bill, and on a test vote, as to the consideration of the bill, had a majority of 160 in its favor to 76 against it, more than a two-thirds vote. By a process of filibustering its consideration was defeated, and so it passed beyond the control of any committee. Then nothing remained but an appeal to the Committee on Rules, who are a committee of the House with power to report at any time. That committee, in connection with the management of the appropriation bills, and the Speaker's power of recognizing whomsoever he pleases, are the elements which really control the course of business in the House. A minority of the committee were in favor of reporting the bill for consideration, but the majority steadfastly refused not only to report that bill, but to report for the consideration of the House of any of the great measures that had been referred to it in the same way, fearing, as they expressed it, that if a report were made some of the friends of the school bill would move to amend that report by proposing the school bill for consideration, and, if it once got out of the committee, it would go through the House, so that there was no other way but to prevent its report, and so it failed. But although the bill failed, its strength before the country was developed, and also that it had more than a two-thirds vote in the House of Representatives. Anyone who has observed the discussion on this bill must have seen its strength.

The matter now stands in this way: The public necessity almost universally demands it, the Senate in two Congresses has developed more than a three-fourths majority for the bill, the House more than a two-thirds majority, which would ensure its passage, even if it had to incur the opposition of a veto, which I do not believe it will, if it reaches the Executive of the country, and we have every reason to hope that in the Fiftieth Congress we shall achieve

success. We will know the nature of the opposition we must meet, and the friends of the bill will see that it is considered during the Fiftieth Congress, and being introduced early, and supported by the same influences which have hitherto carried it along, until it has grown stronger and stronger, I believe we shall be certain of success in the Fiftieth Congress.

* * * * * * *

The Senate of the Fiftieth Congress again passed the Blair bill, but it was again found impossible to pass it through the House, and the attempt to secure such legislation was then abandoned.

In 1894–1895 another effort to secure some form of aid, though on different lines, was made in a bill introduced into the House by Representative Beckner of Kentucky, which proposed to equalize all land grants previously made for common schools to two sections to each state, by then making grants to the states to supply any deficiency. The bill was referred to the Committee on Public Lands, but was never reported out. It would have required approximately 28,000,000 acres of public lands to have made such grants.

The following table shows the amount and location of the public lands still on hand:

TABLE SHOWING THE AMOUNT OF UNAPPROPRIATED NATIONAL LANDS ON JUNE 30, 1913

(From the Report of the Commissioner of the General Land Office.)

STATE OR TERRITORY	SURVEYED	UNSURVEYED	TOTAL
	Acres	*Acres*	*Acres*
Alabama	32,818,560	——	32,818,560
Alaska	62,604	378,103,156	378,165,760
Arizona	22,364,862	50,492,738	72,857,600
Arkansas	33,616,000	——	33,616,000
California	78,912,454	20,986,426	99,898,880
Florida	30,912,571	4,198,469	35,841,280
Illinois	35,841,230	——	35,841,230
Indiana	22,966,400	——	22,966,400
Iowa	35,575,040	——	35,575,040
Idaho	29,190,430	24,428,130	53,618,560
Kansas	52,335,360	——	52,335,360
Louisiana	27,181,384	1,880,376	29,061,760
Michigan	36,787,200	——	36,787,200
Minnesota	49,822,947	1,926,173	51,749,120
Mississippi	29,671,680	——	29,671,680
Missouri	43,985,280	——	43,985,280
Montana	63,574,697	29,721,943	93,296,640
Nebraska	49,157,120	——	49,157,120
Nevada	40,298,835	29,986,605	70,285,440
New Mexico	54,758,158	23,643,762	78,401,920
North Dakota	42,769,192	2,147,928	44,917,120
Ohio	26,073,600	——	26,073,600
Oregon	50,665,637	10,522,843	61,188,480
Oklahoma	44,424,960	——	44,424,960
South Dakota	48,689,520	506,000	49,195,520
Utah	28,162,744	24,435,016	52,597,760
Wisconsin	35,363,840	——	35,363,840
Washington	33,674,148	9,100,892	42,775,040
Wyoming	58,506,318	3,953,842	62,460,160
Totals	1,201,433,408	619,104,832	1,820,538,240

CHAPTER III

FEDERAL AGENCIES FOR EDUCATION

Federal Participation in Education. — A traditional and firmly established practice, aided by the hitherto accepted interpretations of the rights and powers of the Federal government under the constitution, have caused education, as represented by the organized public school system, to remain under the practically exclusive jurisdiction of the several states. It is clear, nevertheless, that through land grants and money subsidies the national contribution towards the upbringing of the American educational ideal, embodied in the state public school systems, has been of the greatest moment. The educational influence of the central government has not, however, been exerted entirely through indirect channels. In addition to numerous teaching institutions of special character under Federal control, many departments and divisions of the government carry on work directly and intentionally educational. These teaching institutions and departmental activities should be included in any accounting of the nation's educational resources and influences.

Some measure of the extent and varied character of Federal participation in educational enterprises is sought through the data and documents here assembled.

I. Federal Appropriations for Education [1]

The following appropriations for the fiscal year ending June 30, 1914, contained in the measures passed during the

[1] Compiled from the Statutes at Large of the Sixty-second Congress, Third Session (37–Dec. 2, 1912 to Mar. 4, 1913) and the Sixty-third Congress, First Session (38–Apr. 7, 1913 to Dec. 1, 1914). There have been included in the tabulation only appropriations the purposes of which were intentionally educational,

third session of the Sixty-second Congress, and the first session of the Sixty-third Congress, give some inclusive view of the varied character and wide extent of the educational enterprises of the national government. These appropriations apply not only to teaching institutions, established and maintained for various specified purposes, but also to activities of the different governmental departments and bureaus carried on in the interest of the general education of the people of the nation.

1. *Appropriations by the United States Government for the Advancement of Education for the fiscal year ending June 30, 1914*

SUMMARY

(*a*) Department of State	$31,000.00
(*b*) War Department	1,246,159.97
(*c*) Department of Justice	41,000.00
(*d*) Navy Department	893,457.00
(*e*) Department of Interior	7,745,945.00
(*f*) Department of Agriculture	1,679,660.00
(*g*) Department of Commerce and Labor	25,640.00
(*h*) Library of Congress	809,375.00
(*i*) Smithsonian Institution	805,400.00 [a]
(*j*) District of Columbia	3,163,640.00 [b]
	$16,441,276.97

a. Includes $50,000 to be paid from the revenues of the District of Columbia.
b. One half of this amount is to be paid from the revenues of the District of Columbia.

within the ordinary meaning of the word. Obviously, each department, division, and bureau accomplished, through its usual routine and through its publications, results that would rightfully be classified as educational. Good illustrations of such are to be found in the Public Health and Marine Hospital Service of the Treasury Department, in the several divisions, bureaus, and offices of the Department of Agriculture, and in the Bureau of the Census of the Department of Commerce. Furthermore, the amounts indicated in the tables for the different purposes would, in a number of instances, be increased were the "lump" departmental expenditures for printing distributed.

(*a*) Department of State

Student Interpreters [1]

(Chap. 86, February 28, 1913.)

Ten at the United States legation to China:	
Salaries	$10,000
Tuition	1,800
Six at the United States embassy to Japan:	
Salaries	$ 6,000
Tuition	750
Quarters	600
Ten at the United States embassy to Turkey:	
Salaries	$10,000
Tuition	1,250
Quarters	600
Total	$31,000

(*b*) War Department

(Chapter 146, March 4, 1913; Chapter 93, March 2, 1913.)

United States Military Academy:		
Pay	$748,839.97	
Current and ordinary expenses	132,178.00	
Miscellaneous items and incidental expenses	45,280.00	
Buildings and grounds	156,112.00	
		$1,082,409.97
Army War College, Washington		19,700.00
Service Schools; Forts Leavenworth, Riley and Sill		30,350.00
Coast Artillery School, Fort Monroe		28,000.00
Army Engineer School, Washington		25,000.00
Officers' Schools at military posts		5,700.00
Buildings for post, exchanges, schools, libraries, and reading rooms		40,000.00
Army Medical Museum and Library		15,000.00
		$1,246,159.97

(*c*) Department of Justice

(Chapter 3, June 23, 1913.)

National Training School for Boys:	
Purchase of additional land	$41,000

[1] See Register of the Department of State (November, 1913) for the regulations governing interpreters and student interpreters in China, Japan, and Turkey.

(*d*) Navy Department

(Chapter 148, March 4, 1913.)

United States Naval Academy:		
Civil establishment	$188,534	
Current and miscellaneous expenses	43,500	
Maintenance	350,000	
Rent	4,116	
		$586,150
Naval War College		28,850
Naval Training Stations:		
California	$70,000	
Rhode Island	85,000	
Great Lakes	98,457	
Saint Helena	25,000	
		$278,457
		$893,457

(*e*) Department of Interior

(1) *Bureau of Indian Affairs*

(Chapter 4, June 30, 1913.)

Support of Indian day and industrial schools		$1,420,000
Construction of buildings, etc.		400,000
Transportation of pupils ($5000 may be used in securing employment for pupils)		82,000
Agricultural experiments, instruction in forestry, and matrons, farmers and stockmen to teach Indians		400,000
School facilities for Navajo Tribe, Arizona		100,000
Teachers, physicians, carpenters, etc., for fulfilling treaty stipulations:		
Bannocks, Idaho	$5,000	
Pawnees, Oklahoma	5,400	
Sioux, Montana	85,000	
Quapaws, Oklahoma	1,500	
Sioux, South Dakota	10,400	
Shoshones, Wyoming	6,000	
		$113,300
Support, education and civilization of Pottawatomies, Wisconsin		7,000
For sundry purposes, including the erection and maintenance of day and industrial schools, Chippewas, Minnesota		165,000

Indian Schools:		
Fort Mojave, Arizona	$ 38,900	
Phœnix, Arizona	146,400	
Truxton Canyon, Arizona	21,200	
Sherman Institute, Riverside, California	104,350	
Fort Bidwell Indian School, California	20,000	
Greenville, California	30,000	
Haskell Institute, Kansas	138,750	
Kickapoo, Kansas	17,860	
Sacs and Foxes, Kansas	200	
Mount Pleasant, Michigan	71,225	
Pipestone, Minnesota	45,875	
Chippewas, Minnesota	8,000	
Genoa, Nebraska	4,040	
Albuquerque, New Mexico	88,600	
Santa Fé, New Mexico	77,500	
Carson City, Nevada	18,500	
Cherokee, North Carolina	36,000	
Bismarck, North Dakota	23,200	
Fort Totten, North Dakota	89,500	
Wahpetan, North Dakota	43,700	
Chilocco, Oklahoma	90,500	
Pawnees, Oklahoma (two Manual Labor Schools)	10,000	
Goodland Industrial School, Oklahoma	10,000	
Five Civilized Tribes, Oklahoma, Schools	300,000	
Cherokee Orphan Training School	25,000	
Choctaws, annuity for education	6,000	
		$1,465,300
Salem, Oregon		114,000
Carlisle, Pennsylvania		162,000
Flandreau, South Dakota		66,500
Pierre, South Dakota		57,000
Rapid City, South Dakota		53,500
Sioux Tribe, South Dakota		250,000
Utes, Utah		1,800
Tacoma, Washington		50,000
Hayward, Wisconsin		40,670
Tomah, Wisconsin		63,450
Shoshone, Wyoming		37,025
		$2,361,245
		$5,048,545

1

(2) *Purchase of Lands for State Common Schools*

(Chapter 54, February 14, 1913.)

For the purchase of Indian lands to be donated to the several states named for common schools:

Sixteenth and thirty-sixth section in each township, Standing Rock Indian Reservation, North Dakota and South Dakota	$180,000

(3) *Bureau of Education*

(Chapter 142, March 4, 1913; Chapter 3, June 23, 1913.)

Salaries:		
Commissioner	$5,000	
Chief Clerk	2,000	
Specialist in Higher Education	3,000	
Editor	2,000	
Statistician	1,800	
Specialist in Land-grant College Statistics	1,800	
Translator	1,800	
Collector and compiler of Statistics	2,400	
Specialist in Foreign Educational Systems	1,800	
Specialist in Educational Systems	1,800	
Two clerks of class 4	3,600	
Three clerks of class 3	4,800	
Four clerks of class 2	5,600	
Eight clerks of class 1	9,600	
Seven clerks at $1000	7,000	
Six copyists	5,400	
Two copyists at $800	1,600	
One copyist at $720	720	
Two skilled laborers at $840	1,680	
One messenger	840	
One assistant messenger	720	
Three laborers at $480	1,440	
One laborer	400	
		$ 66,800
Books, etc., for library		500
Investigation of rural education, industrial education, and school hygiene		15,000
Collecting statistics		3,600
Purchase, distribution, etc., of educational documents		2,500
Traveling expenses		1,500
Education of natives of Alaska		200,000
Reindeer for Alaska		5,000
Allotment from appropriation of the Department of Interior for printing and binding		50,000
Total for Bureau		$344,900

(4) *Miscellaneous*

Colleges of Agriculture and Mechanic Arts (continuing appropriation)		$2,000,000
Columbia Institution for the Deaf. (Chapter 3, June 23, 1913.)		
Support	$66,500	
Repairs	5,000	71,500
Howard University (Chapter 3, June 23, 1913)		101,000
Total for Department of Interior		$7,745,945

(*f*) Department of Agriculture

(1) *Office of Experiment Stations*

(Chapter 145, March 4, 1913.)

Salaries		$ 66,160
Experiment stations (act of March 2, 1887)		720,000
Experiment stations (act of March 16, 1906)		720,000
Administration of these funds		40,500
Agricultural experiment stations in		
Alaska	$35,000	
Hawaii	30,000	
Porto Rico	30,000	
Guam	15,000	
		110,000
Farmers' Institutes		23,000
		$1,679,660

(*g*) Department of Commerce and Labor

(Chapter 142, Third Session, page 788.)

Children's Bureau[1]	$25,640

(*h*) Library of Congress

(Chapter 142, March 4, 1913; Chapter 3, June 23, 1913.)

Salaries and general library expenses	$304,470
Increase of library	100,000
Copyright office	102,580
Printing and binding	200,000
Care and maintenance of building and grounds	102,325
	$809,375

[1] Transferred to Department of Labor, Chapter 141, Sixty-second Congress, Third Session. March 4, 1913.

(*i*) Smithsonian Institution

(Chapter 3, June 3, 1913.)

International exchanges	$ 32,000
American ethnology	42,000
International catalogue, scientific literature	7,500
Astrophysical observatory	13,000
National museum	412,500
Replacing bookstacks	15,000
National Zoölogical Park (one-half to be paid by District of Columbia)	100,000
Purchase of additional lands	107,200
Printing and Binding	76,200
	$805,400

(*j*) District of Columbia

(Chapter 150, March 4, 1913.)

Of the appropriation, $3,163,640, one-half is payable by the General Government, *i.e.* $1,581,820, and one-half by the District of Columbia.

Free public library		$63,880
Library for the blind		5,000
Public Schools:		
Officers	$53,700	
Attendance officers	2,100	
1,751 teachers	1,361,900	
26 librarians and clerks	15,600	
Longevity pay for officers and teachers	375,000	
Allowance to principals	34,000	
Night schools	20,000	
Kindergarten supplies	3,000	
Janitors and care of buildings and grounds	130,790	
Medical inspection	6,500	
Buildings and grounds	597,000	
Miscellaneous	356,500	
		$2,956,090
Instruction of deaf and dumb		11,900
Instruction of colored deaf-mutes		4,550
Instruction of indigent blind children		7,000
National training school for boys. (Care and maintenance of boys)		48,000
National training school for girls.[1] (Care and maintenance for girls.)		23,910
Industrial home school for colored children		16,990
Industrial home school		26,320
		$3,163,640

[1] Name changed to, from Reform School for Girls of District of Columbia, Chapter 182, 62d Congress, June 26, 1912.

2. *Special Appropriations by the United States Government to National and International Congresses. Scientific Associations,* etc., *for fiscal year ending June 30, 1914* [1]

International Geodetic Association	$ 1,500.00
International Bureau of Weights and Measures	2,895.00
International Prison Commission	2,000.00
International Institute of Agriculture	13,400.00
International Railway Congress	400.00
International Sanitary Bureau	2,830.79
International Office of Public Health	3,015.62
International Seismological Association	1,300.00
International Radiotelegraphic Convention	2,000.00
Exhibit at International Dry Land Congress, Tulsa, Oklahoma	20,000.00
International Bureau of the Permanent Court of Arbitration	1,250.00
Bureau of Interparliamentary Union for the Promotion of International Arbitration	2,500
International Congress on Alcoholism	4,500.00
Participation in Panama-Pacific International Exposition	500,000.00
International Bureau for the Publication of Customs Tariffs	1,500.00
International Boundary Commission United States and Mexico	25,000.00
International Bureau for the Suppression of the African Slave Trade	125.00
Pan-American Union (International Bureau of American Republics)	75,000.00
Permanent International Council for the Exploration of the Sea	7,156.00
International Conference on Maritime Law	5,000.00
Contribution to Peace Palace, The Hague	21,045.00
International Conference on Load Lines for Merchant Ships	5,000.00
International Association for Labor Legislation	64,090.00
International Bureau for the Protection of Industrial Property	750.00
Canadian Boundary Waters Commission (one-half of salaries and expenses)	
International Rifle Match	25,000.00
National Bureau of Criminal Identification	200.00
American Red Cross — Site and Building	300,000.00

[1] This tabulation does not include the cost of the issuance of the reports of different organizations and associations which have received special consideration in their articles of incorporation or otherwise. By the publication of the proceedings, reports, monographs, etc., the federal government grants a substantial annual aid to the American Historical Association, the National Academy of Science, and a number of other organizations.

Fiftieth Anniversary, Battle of Gettysburg, Transportation of Civil War Soldiers	$ 4,000.00
United States Board of Mediation and Conciliation, Railroad Controversies	25,000.00
Commission of Fine Arts	5,000.00
Commission on Industrial Relations	100,000.00
Lincoln Memorial Commission	300,000.00
International Waterways Commission	15,000.00
Commission to Study European Rural Credits	25,000.00

3. *Appropriations for the United States Department of Agriculture for fiscal year ending June 30, 1914*

(Chapter 145, March 4, 1913; Chapter 3, June 23, 1913.)

Salaries, office of Secretary	$ 303,820
Weather Bureau	1,707,610
Bureau of Animal Husbandry	2,031,196
Bureau of Plant Industry	2,667,995
Forest Service	5,399,679
Bureau of Chemistry	1,058,140
Bureau of Soils	334,020
Bureau of Entomology	742,210
Bureau of Biological Survey	170,990
Bureau of Statistics	243,680
Office of Experiment Stations	1,901,260
Office of Public Roads	279,400
Division of Accounts and Disbursements	104,370
Division of Publications	184,660
Library of the Department	43,520
Contingent Expenses	106,066
Rent of Buildings	98,329
Miscellaneous Investigations	610,000
Printing and Binding	490,000
	$18,476,945

II. The Smithsonian Institution

By the terms of the bequest of an Englishman, James Smithson (1765–1829), the United States, in 1846, received in trust property amounting to nearly three quarters of a million dollars for the founding of "an Establishment for the increase and diffusion of knowledge among men." Under this trust Congress established the Smithsonian Institution, which was placed in charge of a board of regents composed of the Vice President and Chief Justice of the United States, three members of the

Senate, three members of the House of Representatives, together with six persons other than members of Congress. As the pioneer American institution for the encouragement of scientific research and publication, the Smithsonian Institution is to be ranked among the potent educational influences under the oversight of the Federal Government. Connected with the Institution are the National Museum (1846), the Bureau of American Ethnology (1879), the National Zoölogical Park (1890), and the Astrophysical Observatory (1891).

The Will of James Smithson

[From Goode, G. B., *The Smithsonian Institution, 1846–1906*, pp. 19–20.]

I, JAMES SMITHSON Son to Hugh, first Duke of Northumberland, & Elizabeth, Heiress of the Hungerfords of Studley, & Niece to Charles the proud Duke of Somerset, now residing in Bentinck Street, Cavendish Square, do this twenty-third day of October, one thousand eight hundred and twenty-six, make this my last Will and Testament:

I bequeath the whole of my property of every nature & kind soever to my bankers, Messrs. Drummonds of Charing Cross, in trust, to be disposed of in the following manner, and I desire of my said Executors to put my property under the management of the Court of Chancery.

To John Fitall, formerly my Servant, but now employed in the London Docks, and residing at No. 27, Jubilee Place, North Mile end, old town, in consideration of his attachment & fidelity to me, & the long & great care he has taken of my effects, & my having done but very little for him, I give and bequeath the Annuity or annual sum of One hundred pounds sterling for his life, to be paid to him quarterly, free of legacy duty & all other deductions, the first payment to be made to him at the expiration of three months after my death. I have at divers time lent sums of money to Henry Honore Sailly, formerly my Servant, but now keeping the Hungerford Hotel, in the rue Caumartin at Paris, & for which sums of money I have undated bills or bonds signed by him. Now, I will & direct that if he desires it, these sums of money be let remain in his hands at an Interest of five per cent. for five years after the date of the present Will.

To Henry James Hungerford, my Nephew, heretofore called Henry James Dickinson, son to my late brother, Lieutenant-Colonel Henry Louis Dickinson, now residing with Mr. Auboin, at Bourg la Reine, near Paris, I give and bequeath for his life the whole of the income arising from my property of every nature & kind whatever, after the payment of the above Annuity, & after the death of John Fitall, that Annuity likewise, the payments to be made to him at the time of the interest or dividends becomes due on the Stocks or other property from which the income arises.

Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors, & assigns, after the death of his, or her, or their Father, the whole of my property of every kind absolutely & forever, to be divided between them, if there is more than one, in the manner their father shall judge proper, or, in case of his omitting to decide this, as the Lord Chancellor shall judge proper.

Should my said Nephew, Henry James Hungerford, marry, I empower him to make a jointure.

In the case of the death of my said Nephew without leaving a child or children, or the death of the child or children he may have had under the age of twenty-one years or intestate, I then bequeath the whole of my property, subject to the Annuity of One Hundred pounds to John Fitall, & for the security & payment of which I mean Stock to remain in this country, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an Establishment for the increase & diffusion of knowledge among men.

I think it proper here to state, that all the money which will be standing in the French five per cents. at my death in the names of the father of my above mentioned Nephew, Henry James Hungerford, & all that in my names, is the property of my said Nephew, being what he inherited from his father, or what I have laid up for him from the savings upon his income.

James Smithson. [L.S.]

III. The Educational Work of Government Departments

The possibilities of the Federal Government performing an educational service, having both economic and cultural worth for the people of the entire country, have been thoroughly established by the Department of Agriculture. Many other

divisions of the central government likewise contribute to the broadening of national ideals and the quickening of national progress. Withal the direct and tangible results of its work, and the country-wide scope of its influence have given to the Department of Agriculture a momentum that promises to keep it in the front rank of the active educational forces of the nation.

IV. The Children's Bureau

The manifold benefits accruing to the people of the country from the undertakings of the numerous bureaus and divisions of the United States Department of Agriculture, even during its relatively brief existence, always afforded a forceful argument for those who foresaw the possibilities of the proper utilization of Federal influence for the conservation and betterment of child life. The arguments advanced by social service workers and others of altruistic motives for the constitution of a Federal agency, the chief attention of which would be directed toward child welfare, had added force through the failure of Congress to provide sufficient funds to enable the Bureau of Education properly to carry on its legitimate work.

AN ACT To establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.

[*Act of April 9, 1912 (37 Stat. 79) as amended by Act of March 4, 1913 (37 Stat. 736).*]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.[1]

Sec. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of five thousand dollars. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our

[1] Transferred from Department of Commerce and Labor to Department of Labor by act approved March 4, 1913.

people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official, or agent, or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor.

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of two thousand four hundred dollars; one private secretary to the chief of the bureau, who shall receive an annual compensation of one thousand five hundred dollars; one statistical expert, at two thousand dollars; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at one thousand dollars; one copyist, at nine hundred dollars; one special agent, at one thousand four hundred dollars; one special agent, at one thousand two hundred dollars, and one messenger at eight hundred and forty dollars.[1]

SEC. 4. That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed two thousand dollars.

SEC. 5. That this Act shall take effect and be in force from and after its passage.

V. The Bureau of Education

The proposals for the establishment of a national Bureau of Education date from about 1864 and 1865. In 1866 a memorial form was presented to Congress on the subject by the National Association of State and City School Superintendents. In 1867 an act was passed establishing a National Department of Education. The Memorial and this act of Congress are eliminated from this collection but are given in the *Source Book in the History of Education in the United States.*

[1] A considerable increase in appropriations was made by act of July 16, 1914, (38 Stat. L. p. 505).

1. *Statutes relating to the Office*

The statutes under which the Bureau now operates are as follows:

SEC. 516. (*Office of Education.*) There shall be in the Department of the Interior a Bureau called the Office of Education, the purpose and duties of which shall be to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school-systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school-systems, and otherwise promote the cause of education throughout the country.[1]

SEC. 517. (*Commissioner of Education.*) The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary [2] of three thousand dollars a year.

SEC. 518. (*Duties of Commissioner.*) The Commissioner of Education shall present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which the office is established.[3]

SEC. 519. (*Rooms for Office of Education.*) The Chief of Engineers shall furnish proper offices for the use of the Office of Education.[4]

[1] Act of March 2, 1867, ch. 158, 14 Stat. L. 434; Act of July 20, 1868, ch. 176, 15 Stat. L. 92, 106.

[2] Later increased to $5000.

[3] Act of March 2, 1867, ch. 158, 14 Stat. L. 434.

[4] Act of March 2, 1867, ch. 158, 14 Stat. L. 434; Act of March 2, 1867, ch. 167, 14 Stat. L. 466.

2. *Comparative Table — Support and Staff — Department of Agriculture and Bureau of Education*

The following comparative Table shows the relative staff and support of the Department of Agriculture (a Bureau until 1885), and the Bureau of Education, since the establishment of each.

Year Ending June 30th	Department of Agriculture		Bureau of Education	
	Appropriation	Employees	Appropriation	Employees
1860	$ 40,000			
1861	60,000			
1862	64,000			
1863	80,000			
1864	199,770	29		
1865	112,304			
1866	167,788			
1867	199,100			
1868	279,020	99	$ 18,676[1]	4
1869	172,593		22,673	4
1870	156,440		8,550	3
1871	188,180		19,724	
1872	197,070	84	29,455	
1873	202,440		39,107	
1874	257,690	92	36,318	
1875	337,380		39,290	
1876	249,120	90	41,434	
1887	194,685		33,060	
1878	198,640	77	34,240	
1879	206,400	93	31,220	
1880	199,500		35,391	
1881	275,460	108	61,427	
1882	363,011		65,802	
1883	453,396	239	70,220	38
1884	416,641		69,293	38
1885	655,930[2]	214	76,239[3]	38
1886	677,973		76,284	39
1887	657,642	328	74,177	39
1888	1,027,219		66,812	39
1889	1,134,481	488	71,057	39
1890	1,170,139		91,932	39
1891	1,392,049	1577	65,451	40
1892	2,303,656		119,651	41
1893	2,540,061	1870	73,844	41

[1] Organized as a Department. [2] Made a Department.
[3] Does not include appropriations for reindeer or education in Alaska.

Year Ending June 30th	Department of Agriculture		Bureau of Education	
	Appropriation	Employees	Appropriation	Employees
1894	2,603,856		107,481	41
1895	2,506,915	2043	112,914	41
1896	2,584,013		91,416	43
1897 [1]	2,448,764	2444	126,945	43
1898	2,467,902		97,229	43
1899	2,829,702	2965	102,371	43
1900	3,006,022	3128	101,180	43
1901	3,304,266	3388	105,511	44
1902	3,922,781	3789	107,577	44
1903	5,015,846	4200	103,001	44
1904	5,025,024	4506	101,066	43
1905	5,894,540	5446	99,941	43
1906	6,225,690	6242	100,184	43
1907	9,505,485	9107	92,088	45
1908	11,487,951	10420	118,355	45
1909	14,536,320	10280	117,080	45
1910	15,470,634	11140	113,094	48
1911	17,278,976	12480	111,133	50
1912	21,537,781 [2]	12704	128,785	93
1913	24,735,135 [3]	14478	142,617	119

VI. The Idea of a National University

With all of the large and valuable collections available for purposes of study in the city of Washington, the question naturally arises, why has not the Federal government established a national university and utilized them for advanced study and instruction. This is an old idea but has never been realized. Selected documents will be found in the *Source Book in the History of Education in the United States.*

[1] Secretary Wilson appointed.

[2] Does not include $2,000,000 annually from this date on for forest reserve purchases.

[3] The table of appropriations given on p. 118 *ante* does not include certain permanent and continuing appropriations and balances, now approximating seven to eight millions annually.

CHAPTER IV

CONTEMPORARY MOVEMENTS FOR NATIONALIZING AMERICAN EDUCATION

Up to the present time the American Federal policy with regard to questions of direct, or even indirect, educational consequence has been of a distinctly fortuitous character. While the trend is continually toward a more constructive and systematic national attitude, the existing situation points conclusively to the tasks yet undone. We reproduce in this chapter two selections which serve to indicate both the tendencies and the difficulties. The first selection states well the larger aspects of our national educational problem.

I. Education and the Nation

[Pritchett, Henry S., in the *6th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1911, pp. 45–49.]

The United States has grown, in the course of a century and a quarter, from a group of associated states into a nation. The difficulties in the way of this result were enormous. The original thirteen colonies were jealous of one another. They were afraid to intrust power to a central governmental agency. The welding of these jealous and suspicious states into a nation could be accomplished only by time and the experience that time brings with it.

It was natural that at the inauguration of the confederation the framers of the constitution should have been careful to create as few central agencies with strong powers as possible. Even where powers were given to the general government, checks and limitations were imposed upon them at every step.

Education as a national unifying agency did not lie within the field of view of the framers of the American constitution. Neither national supervision of education nor a national system of schools was considered.

The idea of a university at the seat of government was indeed in the minds of several of the earlier leaders of the nation. Washington in particular was attracted by the idea of a university at Washington which might bring together the youth of the various states. He was led to entertain this idea by his keen realization of the intense rivalries generated by the jealousies and suspicions of the various states. He feared that these sectional forces would disrupt the newly formed confederation, and he hoped that a university in which the youth of the country might come together in student relations would help the people of the different states to the realization of nationalism rather than sectionalism.

Since the field of education was not touched by the constitution, it remained with each state to deal with its educational system as it might choose, with no guidance from the central government looking toward unifying and coördinating the separate state systems. When, therefore, one undertakes to study education and the progress of education in the United States from a national standpoint, one must take up such a study with the state systems as units. Not only has each state its own system of public schools, but nearly all of the states have tax-supported institutions of higher learning as well. Other agencies which have entered the field of education, notably the religious denominations, have also grouped their systems of higher institutions in accordance with state lines. Many of the larger religious bodies have in most states one or more colleges or universities. In some states a single denomination has a half-dozen or more institutions bearing the name of college or university.

Furthermore, in the development of our educational system, private initiative in the field of education has been both unguided and unrestrained by supervision on the part of the state governments. In all but a few states of the Union any association of men who, for educational or business reasons or as a matter of local pride, desire to start a school or a college, may incorporate under the state law and obtain the right to grant all the degrees that higher institutions may confer.

This lack of supervision both on the part of the general government and, to a large extent, on the part of the state governments, has resulted not only in an extraordinarily large number of institutions bearing the name college or university, but it has resulted also in the fact that these institutions have become involved in local rivalries, so that they represent in very small measure national ideals or national purposes. One of the most difficult things for the European student of education visiting the United States to understand is the absence of any national feeling with regard to

education, and the absence as well of loyalty on the part of those in the colleges and the universities to higher education in itself. Instead of this relationship toward national ideals in education, one finds loyalty toward a particular institution. Higher education in America is intensely local and personal in its sympathies. College loyalty takes the place of devotion to educational ideals; the former is local, the latter national.

The general government, while exercising no control over the state systems of education, has by legislation and the appropriation of money carried out two measures that concern the educational policy of the several states. Through the Morrill Bill and the measures that followed it, Congress has made large appropriations for the support of agricultural and mechanical colleges in all states. The federal government, however, has left the administration of these appropriations to the states themselves, and has preserved over the expenditure of this money a scrutiny so vague as to affect in but small measure the direction that the institutions thus inaugurated have taken.

A second act on the part of the central government looking toward the preservation of some form of educational efficiency and unity was the creation of a bureau of education under a commissioner of education. This office was established in 1867, and while the powers of the commissioner have been somewhat increased in recent years by appropriations for specific purposes, the duties of the bureau are still practically limited to the work of a statistical agency dealing with existing educational institutions to the extent to which the latter are willing to coöperate, and to the publication of reports showing the progress of education in this country and in others.

Both of these measures, while tending in some degree to initiate action over broader areas, have nevertheless been inaugurated without any well thought out policy regarding education. In fact, the government of the United States, like most federal governments, has had no policy with regard to education. The Morrill Bill was largely an accidental measure, due to personal initiative and enacted without any thinking of a careful sort as to the effect that the educational agency thus created would have.

The contrast between the crude methods with which our state governments deal with education and the careful and well-considered methods under which the Prussian government, for example, proceeds in such matters is strikingly brought out in the steps recently taken looking toward the inauguration of an endowed university at the city of Frankfurt. For a long time Frankfurt has been ambitious to possess a university, and has been quite

ready to establish and support such an institution, even without governmental aid. The matter has been under consideration for years. Those who represented the interests of education in the Prussian government have conducted the discussion with an eye not only to the local interests of the city of Frankfurt, but with a regard for the nearby universities already in existence and for the independent scientific and literary institutes already established. As a result, the university, if it be established, will coördinate and render more effective all existing agencies. It will not add a new competing institution. The whole proceeding is full of suggestion to Americans interested in education and in the function of educational institutions in human progress. In the process of founding the new university all interests have had an opportunity to be heard. The whole question as to what function the university is to serve, how it should be established and conducted, what relations it should have to other schools and institutions, is being worked out under the eyes of the entire city, region, and kingdom in a manner and with a care and foresight unknown to us. In our cities a new university is founded by a single man or a group of men, and the idea of calling the community or the state into council over the matter has rarely occurred to any one. The spectacle is most suggestive to us as citizens of a democracy, not merely because it is an example of educational building carried on in a thoughtful instead of a haphazard way, but for the stronger reason that it is an example of the working of a modern government in the effort to conserve both the interest of the individual and the interest of the organized community. All modern government, practically all modern legislation, is an effort to deal with these sometimes divergent interests. How to preserve the freedom of the individual and at the same time to promote the efficiency of the organizations which do the work of modern civilized states is the essential problem which every government, whatever its form, faces. This is the question to-day in America at the heart of all legislation by Congress, whether it deals with trusts, or labor organizations, or railroads, or customs duties, or any other similar problem. The real problem before the legislature and the people is not how to destroy corporations, or labor organizations, or railroads, or other agencies, but how to develop them and still preserve the interest and the freedom of the individual. And the significant thing to us as a nation in the process of founding the proposed Frankfurt university is the fact that here an effort is being made to deal thoughtfully and seriously with a problem that in our American democracy we leave to be settled absolutely at haphazard, without supervision on the part

of those who are capable of judging, and without real participation on the part of the great body of people whose interests are affected. The United States has not yet learned to use the expert intelligently, or to distinguish between the expert and the pretended expert. Compare with this method of founding a new university the action of our Congress, which pours annually into the treasuries of the various states a total of $2,400,000 for educational purposes, without knowing what is really done with the money.

The result of this lack of foresight on the part of the federal government and of the extremely limited scrutiny exercised by the states themselves over the institutions of higher learning has been the establishment in the United States of an enormous number of institutions calling themselves colleges and universities, — a number far in excess of those existing in any other country, and undoubtedly greater than the country needs or can support.

The number of these institutions is not so remarkable, however, as the great variety of the work that they undertake, the varied standards that they set up, and their lack of relationship to the general system of schools of their respective states. The colleges and universities of the country are yet often indifferent and sometimes even hostile to the systems of public schools upon which the college and the university ought to rest. Too few of those who start a new college and those who conduct colleges that are already established admit that they owe any duty to the general school system. This is, on the whole, the most astounding fact in our higher education. The spectacle of colleges and universities founded and conducted without reference to the general school system is truly unique. It goes without saying that under such circumstances the colleges and the universities contribute far less than they should to a unifying national force in education.

Notwithstanding this lack of educational unity among the institutions of higher learning, the separate state systems have been kept in practical touch by their public schools. The common schools of the separate states, while showing great variations in their equipment, in the training of their teachers, and in the extent to which their studies are carried, are nevertheless founded upon practically the same plan. They begin with the child at about the same age, and either lead him or seek to lead him to about the same intellectual development. As a result, the common schools have been the great unifying force in citizenship in this country. They have made the English language the sole medium of communication. In the public schools the enormous armies of immigrants have received their induction into citizenship, and through the unifying force of the public school system the educational unity

of the country has been preserved. This has been rendered easier by the interchange of teachers and students that has gone on between the separate states. As we look over the educational history of the last half century, it seems clear that the educational and political solidarity of the country and the possession of common national ideals has been due in very large measure to the fact that a common system of elementary and secondary schools has spread throughout all the states.

The last ten years have been remarkable not only in the material gains of the institutions of higher learning and the increase in the number of their students, but also in the progress that has been made, particularly in the last half of that decade, in relating the institutions of higher learning to the general system of schools. This movement going on to-day with increased energy will in the long run transform our detached schools and colleges into a true educational system, in which the institutions of higher learning shall have fruitful relations not only with one another, but with the elementary and secondary schools as well. In attempting to review briefly what has been accomplished during the last decade, if one is to regard it from a national standpoint at all, it is necessary, therefore, to consider the steps taken in the direction of relating higher education to the public system of schools. The day has gone by when isolated educational institutions can serve either a locality or the state efficiently. Whether one considers the local community, the state, or the nation, all educational progress for the future lies in such coördination of the higher institutions of learning with the common school system as will conduce to the best education of the individual. Out of this coördination will come not only increased efficiency, but also greater freedom, alike for the secondary school, the college, and the university.

II. Increased National Aid

In Chapter II were presented some of the more important portions of the record of the part played by the Federal government, through grants of both land and money, for the upbuilding of the public school systems of the several states; and also of the various efforts made from time to time, to secure further national aid for these school systems. The Hoar Bill and the Blair Bill are representative of the earlier efforts, during the period immediately following the Civil War. The so-called Davis Bill of 1907, and the Page Bill of 1912 illustrate the con-

temporaneous efforts to tap the springs of national resources for the betterment of educational opportunity for the American people. The Agricultural-Extension measure passed in 1914 (Smith-Lever Bill [1]) was a logical application of the principle incorporated in the several Morrill Acts.

As a culmination of a decade of efforts toward national aid, Congress in 1913 created a commission to consider the need and to report a plan for national aid to vocational education.[2] Upon the recommendation of the commission a comprehensive scheme for such aid was proposed in the following bill:[3]

To provide for the promotion of vocational education; to provide for coöperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections two, three, and four of this Act, to be paid to the respective States for the purpose of coöperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects, and in the preparation of teachers of agricultural, trade, and industrial and home economics subjects; and the sum provided for in section seven to the Federal Board for Vocational Education for the administration of this Act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

Sec. 2. (Relates to the amount of the appropriation for agricultural subjects; beginning with $500,000 for the year ending June 30, 1916, with an annual increment of $250,000 for six years (1922), and then two annual increments of $500,000, making the appropriation in 1924, and thereafter, $3,000,000.) . . . Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United

[1] See p. 101.

[2] Senate Joint Resolution, No. 5 (April 7, 1913).

[3] Contained in the Report of the Commission on National Aid to Vocational Education. House Doc. No. 1004, Sixty-third Congress. Introduced in the House of Representatives, June 1, 1914 as H. R. 16952 (Smith-Hughes Bill).

States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any state shall not be less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-two, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary for the purpose of providing the minimum allotment to the States provided for in this section. . . . (Graduated appropriations for minimum allotments.) . . .

SEC. 3. (Relates to the amount of the appropriation for trade and industrial subjects; beginning with $500,000 for the year ending June 30, 1916; with increments and a maximum as for agricultural subjects.) . . . Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-two, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed for the purpose of providing the minimum allotment to the States provided for in this section. . . . (Graduated appropriation for minimum allotments.) . . .

SEC. 4. (Relates to the amount of the appropriation for the preparation of teachers, supervisors and directors of agricultural subjects, and teachers of trade and industrial and home economics subjects; beginning with $500,000 for the year ending June 30, 1916; with two annual increments of $200,000, and one of $100,000, making the final appropriation for 1919 and thereafter, $1,000,000.) . . . Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June thirtieth, nineteen hundred and eighteen, nor less than $10,000 for any fiscal year thereafter. . . . (Graduated appropriation for minimum allotments.) . . .

SEC. 5. That in order to secure the benefits of the appropriations provided for in sections two, three, and four of this Act, any state shall, through the legislative authority thereof, accept

the provisions of this Act and designate or create a State Board, consisting of not less than three members and having all necessary power to coöperate, as herein provided, with the Federal Board for Vocational Education, in the administration of the provisions of this Act. The State Board of Education or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board for the purposes of this Act.

Any State may accept the benefits of any one or more of the respective funds herein appropriated and it may defer the acceptance of the benefits of any one or more of such funds and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: *Provided*, That after June thirtieth nineteen hundred and seventeen, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, unless it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this Act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade and industrial subjects unless it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade and industrial subjects as provided for in this Act.

Sec. 6. That a Federal Board for Vocational Education is hereby created to consist of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The board shall organize and elect one of its members as chairman. The board shall have power to coöperate with State boards in carrying out the provisions of this Act. It shall be the duty of the Federal Board for Vocational Education to make or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home processes and problems and requirements upon home workers; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

Such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, shall, so far as practicable, be made in coöperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education shall, so far as practicable, be made in coöperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, shall, as far as practicable, be made in coöperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, shall, so far as is practicable, be made in coöperation with or through the Bureau of Education.

The Commissioner of Education shall be the executive officer of the board. He may make such recommendations to the board relative to the administration of this Act as he may from time to time deem advisable. It shall be the duty of the Commissioner of Education to carry out the rules, regulations, and decisions which the board may adopt. The Federal Board for Vocational Education shall have power to employ such assistants as may be necessary to carry out the provisions of this Act.

Sec. 7. That there is hereby appropriated to the Federal Board for Vocational Education the sum of $200,000 annually, to be available from and after the passage of this Act, for the purpose of making or coöperating in making the studies, investigations, and reports provided for in section six of this Act, and for the purpose of paying the salaries of assistants and office and such other expenses as the board may deem necessary to the execution and administration of this Act. The Federal Board for Vocational Education may allot any part of said appropriation to any United States department or bureau for the purpose of making any study or investigation, or part thereof, under the provisions of this Act.

Sec. 8. That in order to secure the benefits of the appropriations for any purpose specified in this Act, the State Board shall prepare plans, showing the kind of vocational education for which it is proposed that the appropriation shall be used; the kind of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects, the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section ten. Such plans shall be submitted by the State Board to the Federal Board for Vocational Education, and if the Federal Board

finds the same to be in conformity with the provisions and purposes of this Act, the same shall be approved. The State Board shall make an annual report to the Federal Board for Vocational Education, on or before September first of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this Act.

SEC. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal Board for Vocational Education. The cost of instruction supplementary to the instruction in agricultural and in trade and industrial subjects provided for in this Act, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of the appropriations herein made. The moneys expended under the provisions of this Act, in coöperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as herein provided, shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training.

SEC. 10. That any State may use the appropriation or any part thereof allotted to it, under the provisions of this Act, for the salaries of teachers, supervisors, or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal Board for Vocational Education. That in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects, the State board of any State shall provide in its plan for agricultural education that such education shall be that which is supported and controlled by the public; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over fourteen years

of age, who have entered upon or who are preparing to enter upon, the work of the farm or of the farm home; that the State or local community, or both shall provide the necessary plant and equipment determined upon by the State board with the approval of the Federal Board for Vocational Education as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools shall provide for directed or supervised practice in agriculture either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board with the approval of the Federal Board for Vocational Education.

SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade and industrial subjects the State board of any State shall provide in its plan for trade and industrial education that such education shall be given in schools or classes supported and controlled by the public; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade, and shall be designed to meet the needs of persons over fourteen years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal Board for Vocational Education, as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than nine months per year and not less than thirty hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade and industrial subjects shall, if expended, be applied to part-time schools

or classes for young workers over fourteen years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over fourteen and less than eighteen years of age; that such part-time schools or classes shall provide for not less than one hundred and forty-four hours of classroom instruction per year; that evening industrial schools shall fix the age of sixteen years as a minimum entrance requirement, and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal Board for Vocational Education: *Provided*, That for cities and towns of less than twenty-five thousand population, according to the last preceding United States census, the State board, with the approval of the Federal Board for Vocational Education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment in order to meet the particular needs of such cities and towns.

Sec. 12. That in order to receive the benefits of the appropriation of this Act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade and industrial or home economics subjects, the State board of any State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes supported and controlled by the public; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training, and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade and industrial and home economics subjects; that not more than sixty per centum nor less than twenty per centum of the money appropriated under this act for the training of teachers of vocational subjects to any State for any year shall be expended in the preparation of teachers, supervisors, or directors of agricultural subjects or of teachers of trade and industrial subjects or of teachers of home economics subjects.

Sec. 13. That in order to secure the benefits of the appro-

priations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint the State treasurer as custodian for vocational education, who shall receive and provide for the proper custody and disbursement of moneys paid to the State from said appropriations.

SEC. 14. That the Federal Board for Vocational Education shall annually ascertain whether the States are using or are prepared to use the moneys received by them in accordance with the provisions of this Act. On or before the first day of January of each year the Federal Board for Vocational Education shall certify to the Secretary of the Treasury as to each State which has accepted the provisions of this Act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this Act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this Act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this Act.

SEC. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this Act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

SEC. 16. That the Federal Board for Vocational Education may withhold the allotment of moneys to any State whenever it shall appear that such moneys are not being expended for the purposes and under the conditions of this Act. If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

SEC. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this Act, for any given purpose named in this Act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preserva-

tion, or repair of any building or buildings or equipment, or for the purchase or rental of lands.

SEC. 18. That the Federal Board for Vocational Education shall make an annual report to Congress, on or before December first, on the administration of this Act, and shall include in such report the reports made by the State boards on the administration of this Act by each State and the expenditure of the money allotted to each State.

DIVISION II

STATE ADMINISTRATIVE ORGANIZATION

CHAPTERS V–XI

CHAPTER V

THE STATE THE UNIT IN EDUCATION

As was indicated in Chapter I, education in America was left to the states, and the state has become the unit of administration. The development of state oversight and control has come gradually, and may be traced in the state constitutions, the laws, and the decisions of the courts.

I. The State Constitutions

The constitutions of the different states offer an interesting study of this growth of state oversight and control. Space forbids the giving of selections here but a few illustrative examples will be given in the *Source Book in the History of Education in the United States*.[1]

II. The School Laws

The development of state oversight and control could be illustrated from the educational history of any of our American states.[2] The following description for New York State is illustrative of the development.

The Development of State Control in New York

[From Fairlie, J. A., *The Centralization of Administration in New York State*, Chap. II, pp. 22–33.]

The early history of education in New York gives little promise of the high degree of central control which has come to be estab-

[1] Extracts taken from Poore, B. F., *Federal and State Constitutions*, and later official documents issued by the states.

[2] In the historical portion of the different articles on the state school systems in Monroe's *Cyclopedia of Education* the development of centralized control has been traced (see articles on Alabama, California, Iowa, etc.).

lished during the present century. Throughout the colonial period the only action by the Province legislature concerned the establishment of academies, and whatever was done in the way of common school education was through private or local action.[1] The relations of the State government to this latter problem begin with the law of 1795,[2] appropriating £20,000 annually for the encouragement of schools. This amount the legislature apportioned among the different counties; the apportionment to the various towns was entrusted to the supervisors in each county, and the local management was entirely in the hands of elected town commissioners and school district trustees. The trustees were required to make reports to the town commissioners as the basis for the district apportionment of the State appropriation; and reports of the number of schools, scholars and days of instruction were to be forwarded through the town commissioners and county treasurers to the Secretary's office at Albany. There is, however, no provision for either State or county control or supervision in the system of school administration thus set up; and although the State appropriation was continued annually for ten years, there was no action taken towards inspection or control of the schools aided from the State funds.

In 1805 the school appropriation was allowed to lapse, and although the accumulation of a Common School Fund was at the same time provided for, there was to be no distribution until the annual interest of this fund amounted to $50,000. It was not until 1814 that this situation was reached, and during this interval common school education became again entirely a subject for local action or inaction as the case might be. With the renewal of State aid for schools from the interest of the Common School Fund, Acts were passed for the organization of the school system throughout the State.[3] The Massachusetts "district system" was made the basis, probably because existing local schools were established on that plan. Each district meeting of freeholders and taxpayers was authorized to locate its school, levy local taxes, and elect a board of trustees, who employed the teachers and directed the management of the schools. There were also to be school commissioners in each town, to whom the trustees were to make reports, and town inspectors to examine candidates for positions as teachers.

[1] As early as 1691 a bill was proposed in the New York Assembly "to appoint a school-master for the educating and instructing of children and youth, to read and write English in every Town in the Province." No action was taken on this bill. — *Journal of New York Assembly*, 1691–1743, p. 7.

[2] *Laws of* 1795, c. 75.

[3] *Laws of* 1812, c. 242. *Laws of* 1814, c. 192.

The grants from the State were made conditional on the raising of an equal amount by local taxation, and the first step was taken in the direction of central supervision by providing for a Superintendent of Common Schools, selected by the Council of Appointment, at an annual salary of $400. The chief duties of this officer were in the management of the Common School Fund, his powers of control over the schools and local officers being but slight. He was, however, to prepare plans for the better organization of the schools, to apportion the State appropriation among the counties according to their population, and the reports of the school trustees to the town commissioners were to be forwarded to him.

In the introduction and organization of the new school system, the first Superintendent, Gideon Hawley, did not limit himself to the duties specified in the statute. By his activity he demonstrated the possibilities of his position, and the successful establishment within eight years of 5,500 schools with an enrollment of over 300,000 pupils has been ascribed in very large degree to his work. The uncalled for removal of Superintendent Hawley, in 1821, caused the legislature, as a means of censuring this action of the Council of Appointment, to transfer the duties of Superintendent of Schools to the Secretary of State. This change was in effect a reduction of the central control over the educational system, for although that officer could perform the specific duties laid down in the law, his other functions made impossible the same active work outside the letter of the statute as could be done by a separate official.

The first step in the direction of an increase in the central control was in 1822,[1] when the acting Superintendent of Schools was given an appellate and final jurisdiction over all acts and decisions of local school officials. The power thus conferred on the State Superintendent has been of the greatest importance; it in effect constituted him an administrative court, and his decisions on the thousands of cases that have been presented form a body of administrative law controlling the powers and duties of all local school officials. The scope and significance of this authority will be considered in detail later; it is only necessary here to note its general character and its place in the historical development of central control.

The need for a more effective supervision of the schools and local school authorities soon began to be felt. Governor De Witt Clinton, in his message to the Legislature in 1826, pointed out that the Superintendent of Schools was prevented by his other official duties as Secretary of State from visiting the schools in person, while in

[1] *Laws of* 1822, c. 245.

fact he had no legal authority to make such visits. The Governor held that "a visitorial authority for the purpose of detecting abuses in the application of the funds, of examining into the modes and plans of instruction, and of suggesting improvements would unquestionably be attended with the most propitious effects." [1] These opinions were endorsed by the Literature Committee of the State Senate, whose chairman urged that "the State, which contributes so large a proportion of the compensation of the teachers, has a right to direct its application in such a way as to effect the object of procuring useful instruction." [2] Similar recommendations were made in the following year by the Secretary of State in his capacity as Superintendent of Schools. But no action was taken by the legislature; and the local authorities continued for fifteen years more to direct the management of the schools free from any effective inspection and supervision.

In 1839, John C. Spencer, Chairman of the Senate Literature Committee of 1826, became Secretary of State, and *ex-officio* Superintendent of Common Schools. With the earlier proposals still in mind, he secured from the legislature the authority to appoint unsalaried county boards of visitors to visit the schools and report with suggestions for improvement.[3] The reports of these boards of visitors recommended the establishment of an efficient and systematic county supervision under the general direction of the State bureau, as a substitute for the existing inefficient method of town inspection. These reports and the greater official influence now held by Mr. Spencer secured the enactment, in 1841, of the scheme proposed by him fifteen years before.

The Act of 1841 [4] provided for the appointment by the Secretary of State of a Deputy Superintendent of Schools, thus making possible a greater central activity in carrying out the powers conferred by previous statutes. For the visitation and inspection of the schools, there was to be a Superintendent in each county, who should recommend to school trustees and teachers the proper studies, books, discipline and conduct of the schools; examine and grant certificates of qualification to teachers; and also decide in the first instance on appeals subject to the jurisdiction of the State Superintendent. These county superintendents, although appointed by the supervisors in each county, were to act subject to the rules and regulations of the Superintendent of Schools, and half of their salaries was paid by the State. With the Deputy Superintendent at Albany and this corps of county officials, a much

[1] S. S. Randall, *History of the Common School System of the State of New York*, p. 51.

[2] Randall, *op. cit.*, 101, 105. [3] *Laws of* 1839, c. 330. [4] *Ibid.*, 1841, c. 260.

more thorough system of school supervision and a much more effective central control was made possible.

The new system of inspection brought about great improvements in school administration, and its benefits were so clear that Superintendent of Schools Young, who when he succeeded Mr. Spencer as Secretary of State was a violent opponent of the change, soon became its enthusiastic supporter.[1] Legislative committees and prominent educators also strongly approved of the plan and methods adopted. Nevertheless, there arose a strong demand for the abolition of this system of supervision.[2] Local trustees and town commissioners were not pleased to find their former independence interfered with, while injudicious political selections by supervisors in some counties resulted in the appointment of some incapable and oppressive officials.[3] For these and other reasons the clamor against the Act continued, the pressure on the legislature finally became too strong, and in 1847 the county superintendent system was abolished.[4] On the face of it, the result was to place the town and district officers in direct connection with the State Department; but in fact, as the State Superintendents recognized, any effective supervision of the local officers without a corps of officers acting under the direction of the State bureau was impossible, and the result was plainly a long step in the direction of decentralization.

The reaction was only temporary. Other forces were at work, and soon new measures were taken which so increased the amount of State aid to the common schools that a return to the policy of further State intervention in the management of the schools was inevitable. Already in 1838 the interest of the United States Deposit Fund had been appropriated to the schools,[5] increasing the annual State appropriation from $110,000 to $275,000. Just at the time the office of county superintendent was abolished the agitation for free schools was beginning; in 1849 the Free School Act was adopted by a referendum vote;[6] and, although the practical realization of free schools did not come until much later, an important step in that direction was taken in 1851, when a State tax of $800,000 was imposed by the legislature for the support of the common schools, in addition to the income of the Common School and United States Deposit Funds.

The increase of State aid was not for the purpose of increasing State control, for the new appropriation was turned over to the town commissioners and district trustees, to be expended at their

[1] *Reports of Supt. of Schools*, 1843, 1844, 1845.
[2] Randall, *op. cit.*, 177.
[3] *Ibid.*, 233.
[4] *Laws of* 1847, c. 480.
[5] *Ibid.*, 1838, c. 237.
[6] *Ibid.*, 1849, c. 151.

discretion in the same way as the earlier grants. Nevertheless, the increased State appropriation paved the way for a larger degree of inspection and supervision of the schools, and in fact made a more thorough control almost essential.

An important step in this direction was the organization, in 1854, of a separate Department of Public Instruction.[1] The general oversight of the schools had hitherto been entrusted to an official burdened with many other duties, and although since 1841 there had been a special Deputy Superintendent of Public Instruction, his duties were those of a subordinate, and the Secretary of State remained as the head of the school system. An independent Superintendent of Public Instruction, freed from all other functions, could necessarily exercise a greater activity beyond the sphere of statutory duties. In addition to the former powers of the Secretary of State, the Superintendent of Public Instruction was given authority to visit the schools and make inquiries into the course of instruction, management and discipline. Even although he could not personally visit any large number of schools, the grant of this power is significant of the tendency towards a larger control over the local school officers.

In 1856 the State school tax was changed from a tax for a fixed sum to a $\frac{3}{4}$ mill tax,[2] which at the existing valuation gave an immediate increase of $300,000 in the State grants for schools. At the same time came the re-establishment of an effective system of supervision, which had been urged constantly by the State Superintendents since the repeal of the county superintendent system in 1847. The new system differed in some respects from that established in 1841. There was to be a school commissioner for each Assembly District, instead of a Superintendent for each county, and the commissioners were to be elected instead of appointed by the board of supervisors. Although chosen by local election, the district commissioners being subject to the rules and regulations of the State Superintendent, and receiving their salary from State funds on his order, were under the direction of that officer, and the introduction of the system marks an important step in the extension of state control. The powers and duties of the district commissioners included the examination of the management, instruction and discipline of the schools, and the condition of school buildings and grounds; the recommendation of improvements in all these lines; the examination, licensing and annulling licenses of teachers, and the organization of teachers' institutes. The authority of the district commissioners did not, however, include the city schools.

[1] *Laws of* 1854, c. 97.

[2] *Ibid.*, 1856, c. 179.

The re-introduction of the system of supervision evoked at first considerable complaint,[1] but the State Superintendents were satisfied that it produced good results, and it has continued as a permanent part of the New York school system. Acting State Superintendent Keyes, in his report for 1862, summarizes the benefits derived from the system in these words: "An officer of extended jurisdiction has a higher and wider range of influence, is more generally consulted upon questions of school policy and in matters of school controversy, and his opinions and advice have a consequence and weight that cannot attach to a local officer of limited jurisdiction." [2]

After the establishment of the commissioner system of supervision, the next few years showed no new developments in the New York school system. But in the middle of the decade, 1860–1870, came a new period of activity, in which the scope of both local and central governmental action along educational lines was much increased. The general revision of the School Law in 1864 [3] contains some additions to the powers of the State Superintendent over the schools, authorizing him to appoint unsalaried school visitors in the counties, and to remove school commissioners or other school officers for wilful violation or neglect of duty. The powers of the district commissioners were also increased by giving them authority to condemn unfit school buildings, and to direct trustees to make necessary repairs, in addition to their former powers of recommendation. The most important advance at this time was in the introduction of central control in the management of teachers' institutes. The Act of 1856 had authorized the district commissioners to organize such institutes in the various counties; and in 1861 they were held in 47 counties, with an attendance of 7,488 teachers. Under the law of 1864, the organization of such an institute in every county was required, a State appropriation was set aside for their support, and they were placed more directly under the jurisdiction of the State Superintendent by requiring the district commissioners to act in arranging these meetings under his advice and direction, and further by authorizing him to employ persons to conduct and teach at the institutes. These gatherings of the teachers for even a single week in each year gave opportunity for helpful comparisons of methods, and increased the interest and enthusiasm of those attending for their work. The extension of the State Superintendent's authority over this field was, therefore, an important advance in his control of the educational system, and enabled him to influence more directly than before the instruction given in the district schools.

[1] Randall, *op. cit.*, 338. [2] *Ibid.*, 349. [3] *Laws*, 1864, c. 555.

In addition to the institutes intended for those actually engaged in teaching, a system of normal schools for training a body of teachers was also developed. The State Normal School at Albany was established in 1844;[1] in 1866 the more important State officers were constituted a Commission to determine the location of other schools,[2] and within four years eight additional normal schools had been established in different parts of the State. The administration of this normal school system was entirely centralized under the control of the State Superintendent. For each school there was provided a local board to direct and supervise the instruction; but these boards were appointed by the State Superintendent, and all their more important acts were subject to his approval.

Along with these developments of central control over school administration there went a rapid increase in the amount of State aid. In 1863, the State School Tax amounted to a little over $1,000,000; in 1868, it was $2,400,000. At the same time came the final step in the complete realization of the Free School Act of 1849; in 1867 an Act was passed by the Legislature abolishing all rate bills in the public schools, making them free to every scholar. The increased State activity in educational affairs was accompanied by a no less increase in local educational activity in the same period. This is shown clearly by the enormous increase of yearly local taxation for school purposes from $2,500,000 in 1863 to $7,000,000 in 1869; and it is worthy of note that this development is equally striking in both city and rural taxation.

The unusual progress shown during these few years both in administrative centralization and in the extension of school facilities and equipment was followed by a long period in which little further advance was made. For nearly twenty years there was no extension of the powers of the State authorities, and during these years the increase in both State and local expenditure for schools was at a rate which barely kept pace with the growth of population. In the last twelve years, however, there have been further rapid advances along both lines. From 1885 to 1896 the annual State school tax increased from $3,000,000 to $4,000,000; the total annual expenditure for school purposes rose from less than $12,000,000 to $25,000,000; and at the same time there has been a considerable development of central control over the school system.

Thus, in 1887, a uniform system of teachers' examinations under the direction of the State Department was substituted for the former method of independent commissioner examinations. In 1889, the supervision of teachers' training classes in high schools and academies was transferred from the Regents of the State

[1] *Laws of* 1844, c. 311.

[2] *Ibid.*, 1866, c. 466.

University to the Superintendent of Public Instruction. The Compulsory Education Law of 1894 provided for a small force of inspectors attached to the State department to investigate the enforcement of the Law. These and other minor additions to the authority of the State Superintendent in the aggregate materially strengthen the central control over the school system.

To review this brief sketch: — we note that the development toward central control in the first half of the century was not without reactionary steps. The office of State Superintendent of Schools, created in 1812, was abolished in 1821, and the powers of that officer conferred on another official busied with other and unrelated duties. The county superintendent system of supervision, established in 1841, was abandoned after six years' experience. Nevertheless, even in this period, there were permanent measures in the direction of increasing the central authority, prominent among these being the appellate jurisdiction of the State Superintendent, conferred in 1822, and the provision for a Deputy Superintendent in 1841. Since the creation of a separate Department of Public Instruction in 1854, the movement has been uniformly but not always steadily in the direction of strengthening the authority of that department. The system of district commissioners, established in 1856, made possible a closer supervision of the local schools; in the legislation of 1864–1867 the State Superintendent's control was increased through the supervision of training teachers, and in other details; during the last ten years the entire system of examining teachers has been placed under his immediate direction, and the supervision of school attendance and other details of school management have come to a greater or less degree under his general oversight. The present stage of central control has been reached not by any sudden change of policy, but through a series of measures extending over a period of a hundred years.

This development of central control has moreover been closely connected with the increase of State grants. For although State aid does not seem to have been given for the purpose of establishing control, the State appropriations have rendered necessary State supervision, and, as these State grants have increased, the control over the local authorities has been made more complete and more effective.

To continue Dr. Fairlie's narrative up to the present, the following, from the article in Monroe's *Cyclopedia of Education*, Vol. IV, pp. 463–4, is added: —

In 1894 a new state constitution was adopted. This made the first definite constitutional provision for a state school system; made the Regents a constitutional body; safeguarded the different funds; and prohibited aid to denominational schools. In the same year the "Consolidated School Act," the first consolidation and revision of the school laws since 1864, became a law. A new revision of the compulsory education act, which changed this into an effective law, and the creation of a Board of Examiners and the placing of full control of all teachers' examinations in the hands of the State Superintendent, were also enacted in 1894. In 1895 a law was passed requiring that all teachers employed in elementary schools, after 1897, must have taught three years, or be graduates of a three years' course in a high school or academy and have had a course of thirty-eight weeks in a teachers' training class. Teachers in city schools must have had a two years' training course. The Biennial School Census Act and the Horton Act were also passed in 1895. Under the Horton Act, the Regents were given an automatically increasing appropriation to enable them to aid properly the academies and high schools of the state. The result of this law was a marked increase in both the number of such schools and in the annual appropriations for them. In 1896 school districts were permitted to contract with other districts for the education of their children; city institutes and state summer institutes were established.

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The year 1904 saw the final unification of the two educational departments of the state school system, and the ending of more than a quarter century of friction. . . . The Unification Act of 1904, providing for a reduced Board of Regents, for membership for limited terms instead of for life, and for essentially the present form of state educational organization, took effect April 1, 1904, and since then the Regents and Commissioner have construed the law liberally, and in the interests of the schools of the state. A state educational building, to house the departments, the state library, and the state museum, was provided for in 1906; trade schools were authorized, and the new school census law was passed in 1908; and the compulsory education law, as it related to cities and school systems having a superintendent, was further revised and strengthened in 1909. In 1909 the consolidated school law, as codified and consolidated by the State Board of Statutory Consolidation, was passed, and the further revision, recodification, and elimination of this, as made by the Education Department, was accepted by the legislature in 1910. In this the working ar-

rangements of the Regents and Commissioner, as practiced since 1904, were incorporated into law. The most important legislation since was the substitution in 1910 of appointed district superintendents of schools (beginning January 1, 1912) for the old popularly-elected school commissioners, in existence since 1856. About twice as many district superintendents as school commissioners were provided for, so as to reduce the size of the supervisory unit one half.

III. The Jurisdiction of the State: Judicial Interpretations

The theory upon which the public school system of the American states has been built up contains two constituent elements; that of preserving an approximate equality of chance among individuals to secure the advantages and benefits created through the institutions comprising the school system; and that of distributing the burden of support of public education on the foundation of property rather than upon persons. The trend in the evolution of our state educational systems affords abundant evidence of the firm establishment of this social theory of education, a theory which in operation has resulted not only in a continual enlargement of the sphere of the state in education, but also in the development of a positive policy of state unification and authority. While the states have developed variant attitudes, the typical American policy is exhibited through the judicial interpretations brought together in this section.

1. *State* versus *Local Authority*

State *ex rel.* Clark *et al. v.* Haworth, 23 N. E. 946

(*Supreme Court of Indiana*, March 13, 1890.)

This case involved the constitutionality of the act of March 2, 1889, constituting the State Board of Education commissioners to select textbooks equal to a given standard, and requiring them to advertise for bids for furnishing the same, and to award the contract to the lowest bidder, the books to be sold to the pupils by the contractor, through the county superintendents

and township trustees. The act made it the duty of school trustees to notify the county superintendents of the number of textbooks required for the pupils in their corporations; whereupon the superintendents were to make requisitions for the books upon the contractor, and on their receipt were to take charge of and furnish them to the pupils at the price fixed in the contract. In holding that the trustees would be compelled by mandamus to obtain and distribute the books in the manner provided — it being the intent of the legislature to make the books and the prices therefor uniform — the Court said:

> Essentially and intrinsically, the schools in which are educated and trained the children who are to become the rulers of the commonwealth are matters of state, and not of local, jurisdiction. In such matters the state is a unit, and the legislature the source of power. The authority over schools and school affairs is not necessarily a distributive one, to be exercised by local instrumentalities; but, on the contrary, it is a central power, residing in the legislature of the state. It is for the law-making power to determine whether the authority shall be exercised by a state board of education, or distributed to county, township, or city organizations throughout the state. With that determination the judiciary can no more rightfully interfere than can the legislature with a decree or judgment pronounced by a judicial tribunal. The decision is as conclusive and inviolable in the one case as in the other; and an interference with the legislative judgment would be a breach of the constitution which no principle would justify, nor any precedent excuse.
>
> But we need not rest our conclusion that the control of school and school affairs is vested in the law-making power of the state upon the proposition that schools are intrinsically matters of state concern, and not of a local nature, — although it may there be securely rested; for our constitution, in language that cannot be mistaken, declares that it is a matter of the state, and not of the locality. The language of the constitution is this: "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the general assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all." Article 8, Sec. 1. The constitution en-

joins a duty, and confers a power. The duty and the power are co-extensive, but the effect they are designed to accomplish is unified, because the duty is to "provide a uniform system of common schools;" and the power is granted to enable the general assembly to effectively perform the duty. Both by the constitution, and by the intrinsic nature of the duty and the power, the authority is exclusively legislative, and the matter over which it is to be exercised solely of state concern. That this conclusion is sound, is so clear that authorities are not required to fortify or support it; but authorities are not wanting, for the current of judicial decision is unbroken.

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As the power over schools is a legislative one, it is not exhausted by exercise. The legislature, having tried one plan, is not precluded from trying another. It has a choice of methods, and may change its plans as often as it deems necessary or expedient; and for mistakes or abuses it is answerable to the people, but not to the courts. It is clear, therefore, that, even if it were true that the legislature had uniformly intrusted the management of school affairs to local organization, it would not authorize the conclusion that it might not change the system. To deny the power to change, is to affirm that progress is impossible, and that we must move forever "in the dim footsteps of antiquity." But the legislative power moves in a constant stream, and is not exhausted by its exercise in any number of instances, however great. It is not true, however, that the authority over schools was originally regarded as a local one. On the contrary, the earlier cases asserted that the legislature could not delegate the power to levy taxes for school purposes to local organizations, but must itself directly exercise the power; thus denying, in the strongest possible form, the theory of local control. This ruling was for many years regarded as the law of the state; but in the case of Robinson *v.* Schenck, 102 Ind. 307, 1 N. E. Rep. 698, it was held that the legislature might either exercise the power itself, or delegate it to local governmental instrumentalities. It has, indeed, been the uniform course, since the organization of the state, to regulate and control school affairs by legislation. All the public schools have been established under legislative enactments, and all rules and regulations have been made pursuant to statutory authority. Every school that has been established owes its existence to legislation, and every school officer owes his authority to the statute.

It is impossible to conceive of the existence of a uniform system of common schools without power lodged somewhere to make it

uniform; and, even in the absence of express constitutional provisions, that power must necessarily reside in the legislature. If it does reside there, then that body must have, as an incident of the principal power, the authority to prescribe the course of study, and the system of instruction, that shall be pursued and adopted, as well as the books which shall be used. This general doctrine is well entrenched by authority. . . . Having this authority, the legislature may not only prescribe regulations for using such books, but it may also declare how the books shall be obtained and distributed. If it may do this, then it may provide that they shall be obtained through the medium of a contract awarded to the best or lowest bidder, since, if it be true, as it unquestionably is, that the power is legislative, it must also be true that the legislature has an unrestricted discretion, and an unfettered choice of methods. It cannot be possible that the courts can interfere with this legislative power, and adjudge that the legislature shall not adopt this method or that method; for, if the question is at all legislative, it is so in its whole length and breadth. Under our form of government, there is no such thing as a power partly judicial and partly legislative. The one power excludes the other, for each is distinct and independent. . . . If the legislature exercises its right to make a choice of methods by enacting that the books for the schools shall be furnished by the person making the most acceptable bid, the courts cannot interfere, because the power exercised is a purely legislative one, and within the legislative domain courts are forbidden to enter. There is no escape from this conclusion save by a denial of legislative independence, and an assertion of the rights of judicial surveillance and control.

If the power over the school system is legislative and exclusive, then the legislature has authority to impose upon all officers whose tenure is legislative such duties respecting school affairs as it deems proper.

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2. *Power of State Educational Officers*

HUTCHINSON *et al. v.* SKINNER *et al.* (49 N. Y. Supp. 360) (21 Misc. Rep. 729)

(Supreme Court, Special Term, Albany County. November, 1897.)

* * * * * * *

Motion by Charles H. Hutchinson and others for an injunction pendente lite to restrain Charles R. Skinner, state superintendent

of public instruction, and others, from enforcing his order directing the opening of public schools in the city of Watervliet. Denied.

* * * * * * *

CHESTER, J. The plaintiffs move for an injunction pendente lite to restrain the defendant Skinner, as state superintendent of public instruction, and the board of education of the city of Watervliet, from enforcing or executing an order made by such superintendent directing the opening of the public schools in the city of Watervliet, and appointing a superintendent, and the necessary force of teachers, janitors, and other employees, and from paying their salaries, and also enjoining the persons so appointed from assuming such positions, and from discharging the duties thereof. The board of education of Watervliet is, under the law, a bi-partisan board. It is composed of four persons, each of the two principal political parties having two members. The mayor is ex officio presiding officer, but is not a member of the board and has no vote. Laws 1896, c. 905, tit. 5, secs. 1–6. The teachers and other employees of the board for the last year were engaged only for that school year. The new school year commenced in September last. The members of the board have been unable to agree upon the officers and teachers to be employed in the schools for the ensuing school year. Repeated meetings of the board were held during the months of August and September, and no agreement was reached. Every resolution offered in the board by either side naming teachers and other employees was defeated by a tie vote. The board, during all that time, and down to the making of this motion, has been in a "deadlock" on this question. The 7th of September had been fixed upon by the board as the date when the schools should open. It passed without the employment of a superintendent, a teacher, or a janitor. The 13th of September was then selected. That date also passed without any appointments being made, or the schools being opened. In this emergency the two members of the board who had voted one way upon the matters in difference made an appeal or presented a petition under oath to the state superintendent, charging the board with disregard and contempt of various prior orders made by him; reciting the facts, from their standpoint, concerning the failure of the board to appoint teachers and open the schools; claiming that the two members who had voted the other way were the cause of the trouble, and praying for their removal from office, and for a direction that the schools be opened at once. The two members whose removal was sought, filed their answer under oath with the state superintendent, reciting the facts from their point of view, and charging the

responsibility for the situation upon the other two. The superintendent thereupon, and on September 27, 1897, made a decision or order in which he refused to remove the two members proceeded against, and by which he directed "the board of education of the city of Watervliet to provide the necessary equipment of qualified teachers, janitors, and necessary employees, and to open the schools of that city to the public residing therein on or before the 4th day of October, 1897." The board took no action under this order, and did not comply with it in any respect. The state superintendent then made another order, reciting that the board had wilfully refused to comply with the order of September 27th, and that the schools in said city yet remained closed, and no teachers, janitors or other necessary employees had been appointed by said board, and in which last order he directed Mr. A. M. Wright, an employee of the state department of public instruction, to proceed to the city of Watervliet and organize the school system of said city as temporary superintendent of schools, with a corps of qualified teachers, consisting of five principals, six assistant principals, and seventeen other teachers, including one drawing teacher, besides one librarian, two truant officers, and eight janitors, who were respectively named in said order, and therein stated to be temporarily appointed to the several positions named, with an annual compensation to each, fixed in order. The order recited that "said appointments are to continue until the local school authorities of said city shall designate qualified teachers as their successors." The order further directed the board of education of said city to immediately open the school buildings to the teachers named, and place at their disposal the usual and proper furniture and supplies, including fuel and school apparatus, and as often as at the end of each calendar month during the continuation of the services of each teacher, janitor, and the librarian, to audit and pay to each an equal one-eighth part of the annual compensation therein designated to be paid to each. This last order was made on October 4, 1897. Mr. Wright forthwith went to Watervliet, and the schools were at once opened by him, pursuant to the order, with the aid of the teachers and other employees named therein. It is claimed by the plaintiffs that this order of the state superintendent is without authority of law, and the injunction asked for here is to restrain the further carrying into effect and enforcement of the order.

It is urged by the plaintiffs that under the charter of the city of Watervliet the management and control of the public schools therein is vested in the board of education, which is authorized, under the law to appoint a superintendent of schools and a librarian, contract and employ all teachers and pay their wages (Laws 1896, ch. 905,

tit. 5, secs. 9, 12); and that the compulsory education law authorizes the school authorities of each city to appoint truant officers, and fix their compensation (Id. c. 606, sec. 3). There can be no doubt of the correctness of the claim that it was the duty of the board of education, under the law, to make these appointments, but this duty has not been discharged by reason of the "deadlock" existing in the board. As a result of this failure of the board, the people of an entire city were deprived of the benefits of free common schools; and, if the board alone were to be looked to for relief, the people were likely to continue to be so deprived for an indefinite time. It may be conceded that there was no duty resting upon the board to appoint any particular individual a teacher, or upon the members of the board to vote for any specified person for any position within the gift of the board. These were matters of discretion. But there was a duty resting upon the board, under the law, to open the schools, and provide the necessary force of teachers and other employees for that purpose. The board failed to perform this duty. Whether this failure is the result of the zeal of the individual members of the board to promote the interest of personal or political friends, is of but little consequence. But it is a question of great moment whether or not the people of an entire city are to be deprived of free common schools wherein all their children may be educated, simply because the board fails to discharge the duties imposed upon it by law. The situation presented by this condition was one in which the people of the entire state have an interest, and not the inhabitants of Watervliet alone, for the common-school system is an institution of the state, and not of any particular locality therein. It is founded upon the idea that a general dissemination of education is essential to the welfare of the state. If this were not so, there would be no justification in supporting common schools by general taxation. The constitution requires that "the legislature shall provide for the maintenance and support of a system of free common schools wherein all the children of this state may be educated." Article 9, Section 1. The legislature has complied with this mandate of the constitution, and has provided "that there shall be raised by tax in each year upon the real and personal estate of each county within the state, such sum as the legislature shall annually determine necessary for the support of common schools in the state." Consolidated School Law, tit. 2, art. 1, sec. 1. It has also created the office of state superintendent of public instruction, and by the act last referred to has clothed him with large general powers with reference to the state school system, and has given him authority to apportion the state school moneys among the cities, districts, and institutions entitled thereto.

The aggregate amount of the state tax for schools the past year was upwards of $4,000,000, and under the apportionment thereof made by the state superintendent the city of Watervliet is entitled to the sum of $6,000, unless he withholds the same pursuant to the provisions of the law authorizing him so to do in certain cases. This seems to demonstrate clearly that the people of the entire state have an interest in the application of these school funds in the city of Watervliet, to the purpose for which they were raised and apportioned to said city, namely, the maintenance of free common schools therein.

The charter of Watervliet distinctly recognizes the authority of the state superintendent with reference to the schools of the city, for it provides that the board of education shall have, "to the exclusion of all boards and officers, except the superintendent of public instruction of this state, the entire supervision and management of the schools of said city." Laws 1896, c. 905, tit. 5, sec. 12, subd. 10. With the people of every county in the state being compelled to contribute by general taxation to the state school funds, and thus being directly interested in having free common schools maintained in every part of the state; with the city of Watervliet having apportioned to it $6,000 of these funds, and with its board of education refusing to open its schools to the public as provided and required by law, — the question is presented whether there is any authority under the law in the state superintendent, on proper appeal to him, to open the schools. The consolidated school law provides that any person conceiving himself aggrieved in consequence of any decision made by certain school authorities named in the act, or "by any official act or decision concerning any other matter under this act, or any other act pertaining to common schools, may appeal to the superintendent of public instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive, and not subject to question or review in any place or court whatever." Laws 1894, c. 556, tit. 14, sec. 1, subd. 7. And the act further provides that the superintendent "in reference to such appeals, shall have power to regulate the practice therein, . . . and to make all orders, by directing the levying of taxes, or otherwise, which may, in his judgement, be proper or necessary to give effect to his decision." Consolidated School Law, tit. 14, secs. 1, 2. It is urged that the authority above referred to in relation to appeals is expressly limited to the "official act or decision" of the board of education, and that this case presents no official act or decision which can be brought before the superintendent by appeal, but simply a case of neglect or refusal or inability to act

or decide, and for that reason that the superintendent had no jurisdiction or authority to entertain the appeal, or to make the orders which he did. It is true that there has been an inability on the part of the board to take any affirmative action. The papers show, however, that there have been repeated resolutions offered at different meetings of the board to appoint teachers and other employees; that repeated amendments to such resolutions have been proposed in the board; that each resolution and each amendment for these purposes has received two votes in the affirmative and two votes in the negative. When two members of the board voted in favor of a resolution, and the only two other members voted against it, it was, under the rules governing parliamentary practice, lost for want of a majority vote, and amounts, in effect, to a decision of the board not to take the action sought to be authorized by the resolution. This principle has been recognized in the case of People *v.* Bennett, 54 Barb. 480. There it appeared that the board of trustees of the village of Saratoga Springs consisted of six members, three of whom voted to raise the sum required by the board of education for school purposes, and three of whom voted against it, and the court held that "such act of that board was, in legal effect, a refusal to raise the said sum, for the reason that a majority did not vote in favor of the requisition." In the case of People *v.* Eckler, 19 Hun, 609, it was held that the refusal of a school-district trustee to pay a teacher's wages was a decision within the meaning of that term as used in the school law, and that the relator was entitled to appeal therefrom to the superintendent of public instruction. I think, therefore, that every refusal of this board to pass any of the numerous resolutions offered in the board to appoint teachers or other employees was a decision, or an official act, under which an appeal could properly be taken, pursuant to the school law, to the state superintendent, and that upon such appeal he had the jurisdiction and power under the law to examine and decide the same. He exercised that power, and made the decision of September 27, 1897, above referred to, in which he ordered and directed the board of education to provide the necessary equipment of qualified teachers and other employees, and to open the schools, before the 4th day of October following. The order contained in this decision not being complied with, he had the further power, under the law, to make all orders proper or necessary in his judgment to give effect to his decision. The paramount object of the decision was to procure the opening of the schools. The schools could not be opened without teachers and other employees. The appointment of the persons named in the subsequent order of the superintendent as teachers, janitors, and

truant officers, was but the incident of the main object to be accomplished. The superintendent undoubtedly had power to withhold the public funds, instead of making the order he did, but that would not have caused the schools to be opened. He might have removed the members of the board from office, but that would not have accomplished the desired result. He had the right to make the order which, in his judgment, was necessary to make his former order effective; and, if he had jurisdiction to make the order he did, as I think he had, the propriety of the exercise by him of his discretion is not subject to question by the court. I think, therefore, that he was justified, under the law, when the board refused to open the schools in compliance with his order, to make the subsequent order which he did, even though that involved the temporary appointment by him of a force of teachers and others sufficient to open and conduct the schools.

The granting or refusing of equitable relief by way of injunction depends to a great extent upon the particular facts in each case, and is largely discretionary with the court. Wormser *v.* Brown, 149 N. Y. at page 172, 43 N. E. 576. If I am wrong in my conclusion that the superintendent had jurisdiction to make the order in question, yet I do not think, under the facts of this case, that a temporary injunction should issue, the result of which would be to close all the public schools in the city at a season of the year when they should be open. Notwithstanding the difficult and embarrassing situation presented by reason of the unfortunate organization of the board of education, the schools are now in full operation, pursuant to the orders and directions of the chief officer of the state charged with the administration of the state school system. Great public injury would result from granting the relief here asked for, and, unless the plaintiffs expect to escape all local taxation for school purposes for the ensuing year, they will not be injured by denying it, for the reason that the papers show that the cost to the city of carrying the superintendent's order into effect is much less than the cost of the schools during the last year, and also than the amount inserted in the budget for that purpose for the current year, largely owing to the fact that the compensation of Mr. Wright, the temporary superintendent of schools designated in the order of the state superintendent, is paid by the state, and not by the city.

There are also other matters standing in the way of granting this motion. The plaintiffs sue as taxpayers. The authority for the action is chapter 301, Laws 1892, and section 1925, Code Civ. Proc., which are known as the "Taxpayers' Acts." These statutes only authorize actions against officers who have acted for or on behalf of any county, town, village, city, or municipal corporation in the

state, to prevent waste of public funds, or injury to public property. The superintendent of public instruction is not a municipal officer, but is a state officer. Public Officers Law (Laws 1892, c. 681, art. 1, sec. 2). What he has done has been done in his official capacity as state superintendent of public instruction, and he has in no sense acted, nor had he the power to act, for or on behalf of the city, so as to bring him within the provisions of these acts, or to render him answerable or subject to an injunction at the suit of a taxpayer of the city.

The plaintiffs have also failed to make and file the bond required by law in this class of cases. It was essential that this should be done upon the commencement of the action, and a copy thereof served with the summons. Laws 1892, c. 301. For these reasons the motion is denied with costs.

Motion denied, with costs.

IV. State Unity and Educational Reform

This same state policy concerning public education is further illustrated in the following report of a legislative committee, charged with the duty of investigating and reporting on the condition of the public schools of the state.

Report of the Special Educational Commission for Connecticut

This Commission was created by the following Act of the General Assembly. (Senate Joint Resolution No. 287)

Resolved by this Assembly:

Section 1. That the joint standing committee on education is hereby continued and instructed to inquire into the condition and progress of common school education in this state and make to the next general assembly a report containing its findings and recommendations.

Approved, July 31, 1907.

(Submitted to the General Assembly of Connecticut, January, 1909.)

To the Honorable the General Assembly of the State of Connecticut:

At the last session of the General Assembly the Joint Committee on Education was continued under an act directing them to investi-

gate the public school system of the State of Connecticut and to make a report to the General Assembly of 1909, accompanied by such recommendations as should seem proper. Immediately after this action the Joint Committee met and appointed five of their number, whose names are appended to this report, and commissioned them to carry out the directions of the continuing act, and to make the report and recommendations called for. It is in fulfilment of this assigned duty that this paper is respectfully submitted to your honorable body.

Your Commissioners have held public meetings in different parts of the state. They have studied with care the school laws of this state and of other states. They have carefully considered the reports submitted to the State Board of Education by their agents, superintendents, and others during the past two years. They have visited schools, have consulted with many persons interested in educational matters, and have endeavored in various other ways to discharge the duty to which they were appointed.

We are impressed with the fact that the State of Connecticut, by establishing laws for the compulsory education of its children, has assumed a very grave responsibility. It is true that the school laws prescribed first of all and most properly that "all parents and those who have care of children shall bring them up in some lawful and honest employment." It is to be regretted that the existence of this law is probably unknown to the majority of parents, and it is further to be regretted that the significance of such a law is but faintly appreciated. Aside from this the State has assumed control of the education of its children. Neither the parent nor the community in which the parent resides can determine whether or not the children shall go to school, can determine exclusively the studies which the child shall undertake, can determine the minimum period of the child's school life. The State, and not the town, and not the parent, is the authority in these matters.

Furthermore, the State contributes every year an enormous fund for the carrying out of the obligations entered into through the establishment of the laws above alluded to. It seems to follow as a logical and moral necessity that the state should see to it that as a state it discharges its own reciprocal duty by the assertion of its authority in this very grave matter, the obligation tacitly undertaken when large sums of money are devoted to this purpose. When a state requires the children to go to school it becomes obliged to provide a suitable school for the children to attend.

In recognition of these obligations, the state has established

a commission known as the state board of education, whose fundamental purpose is, as stated in section 2 of the School Laws, to "have general supervision and control of the educational interests of the state." This board has and exercises a general advisory supervision over the schools of the state, but the specific statutes of our school laws are of such a nature that the control of the educational interests of the state is by no means in the hands of this state board. Except in a few instances, and with reference to particular questions, the control of the schools is in the hands of town or district authorities. This is a condition which has been inherited from an earlier time when the towns were isolated and when the conception of public education was a thing quite different from that which prevails in enlightened commonwealths to-day.

Very grave injustice is being done to-day to a large proportion of the children of the state through the inequalities of school opportunity resulting from this system of local management. Partly this injustice is due to the different ability of different communities to maintain suitable schools; partly it is due to indifference and incompetence on the part of local authorities; partly it is due to petty and unworthy jealousies liable to exist between communities and in communities. As a result of these and other causes we repeat that a large proportion of the children of the state are not receiving proper instruction. A large proportion of the fund devoted every year by the state to the support of schools fails to achieve the purpose for which it is appropriated. A considerable part of this money is without doubt rather worse than wasted; for there are schools in this state of which it may fairly be said that it would be better for the children to work or play rather than to be compelled to attend them.

Your commission have been painfully impressed by the condition of many of the school buildings in the smaller towns of the state. They are old, unclean, offering no proper shelter, poorly heated, unventilated, associated with out-buildings offensive to the senses and sensibilities of child and adult alike; buildings of a sort which would not be tolerated for an instant in the case of a state prison or a county jail. Yet in these hovels are gathered together five or six hours a day the helpless little children for whose education the state has assumed to care. Your commissioners are anxious not to exaggerate. Yet no one, we believe, could with comprehending eyes look upon these places inside and out without a sense of state shame and humiliation, without a hope, silent or expressed, that no visitor from another commonwealth should see these things.

We find further that, aside from the buildings themselves, very

many of these schools are equipped but poorly or not at all with the things necessary for the administration of a school in these days. They are without reference books, without maps, and in many cases the children are without text books. Indeed most of the tools for the maintenance of a school are lacking.

We find that a considerable proportion of the teachers in the Connecticut schools are thoroughly unfit for their positions, that these teachers to whom we take exception are uneducated, without experience or knowledge of the teaching profession, without ambition or ability to improve. We find that, through improper methods of appointment, and through the lack of any state control, appointments to teaching positions are made carelessly and sometimes in a way suggesting motives which ought to be deprecated. For example taking the teachers in something over fifty towns for which appropriate statistics are available, we find that fifteen per cent of them are related by consanguinity or affinity to the person responsible for their appointment, and that of the teachers comprising this fifteen per cent only two or three can be ranked as in any way efficient.

We find that the wages paid to a large proportion of our teachers are distressingly small, so ridiculous when thought of in connection with the tremendous responsibilities devolving upon the teacher of a school as to be a separate and distinct occasion for shame.

Naturally we find also that in very many schools the children are learning very little. And all this unfortunate situation exists at a time, when, because of the influx, specially into our rural districts, of immigrant children hardly able to speak our language, born of parents entirely unacquainted with our national character and uninfluenced by national tradition, the need for careful training is most pressing. (In 1900 the percentage of illiterates among the foreign white population of Connecticut from 15 to 19 years of age was 13.3.)

The criticisms which have thus far been indicated are applicable to many of the smaller schools in some of the rural districts of our state. The difficulties of the situation in such localities are great. Through the prevalence of the district system or through the willingness of town authorities to maintain more schools than are really necessary or desirable, there are altogether too many schools in the country towns. Your commission believe that a school of four or five or even of eight or ten pupils cannot in any case do good work. It is run at an extraordinary pecuniary loss. The lack of anything like school spirit reacts disastrously upon the children and upon the teacher. There is no more depressing sight than that of a half dozen children gathered in a disreputable schoolhouse, orig-

inally meant for thirty or forty pupils, in charge of a teacher who is really in the position of a private tutor without the helps and advantages and opportunities that would attach to a real tutorship.

It is not too much to say that from three hundred to four hundred schools now maintained in the state could be closed, the children being sent to central schools, to the very great advantage of the interests of education. In a town in Windham County, for example, the aggregate attendance in four of the schools taken together is less than seventeen. In 108 towns there are 343 schools in which the average attendance for the year 1907–08 was less than twelve pupils each. Very often a hardship results, even from the town system of schools, when, for example, children are obliged to travel or to be carried a long distance in order to attend a school in their own town, whereas by simply stepping over an imaginary line they could attend a school close at hand. There are several instances of this sort to which specific reference may be made if desired.

It is not pleasant to be obliged to call attention to a situation such as that indicated above. Your commission might easily go into particulars, might name town after town and district after district in which the schools are almost or quite useless, and in which the money devoted to their support produces no reasonable return. We might present photographs of exteriors and interiors of school buildings which it would be humiliating for a citizen of Connecticut to look upon. We have in our possession a photograph of a school building so defaced that the photograph could not lawfully be sent through the post-office and the exhibition of it would violate section 1325 of the General Statutes. But is it not sufficient for us to say that in our opinion a large number of our schools call for immediate and drastic action looking to their reform and improvement? We feel sure that there are many towns and districts that will be thankful not to be particularly designated in this report, and that there are many teachers to whom we do a kindness in withholding from public knowledge their names and specific lack of qualification for the position which they hold. We are saying what we say unwillingly but because we are profoundly moved by a sense of the wrong that is being done daily to the children over whose education the state has affected to assume control. And if the general assembly desires names of persons and places, and further evidence of the conditions which we describe, such particulars and evidence will be furnished.

It is pleasant to be able to add that there is another side to the picture. In our cities, in most of our boroughs, and in the more

populous towns, in those small towns also in which still persists effectively something of the New England spirit of earlier days, the schools, while doubtless susceptible of improvement like all other human enterprises, are good. The children in such places are being educated. The teachers are alive to their responsibilities and opportunities.

But alas for the little ones whose lot is cast elsewhere in our commonwealth; and to whom, notwithstanding their presumed ability and intellect, notwithstanding their possible genius, there comes no chance whatever of developing the best or even a considerable part of that which is good within them.

Your commission gladly report that in their opinion the state board has done and is doing everything that is possible under the laws which govern their action for the proper administration of the schools. The state has established a state board of education, but it has not armed it with authority to carry out the legitimate purposes of such a board. The board is faithful, industrious, careful, skillful. Its secretary is one of the hardest worked and most efficient servants of the state. The board often finds itself confronted by unwillingness to accept advice, resentment of counsel, determined opposition to anything like control. The statutes whose operation would tend and do tend to an amelioration of evil are mostly permissive. These statutes in our opinion should be changed so that they should compel rather than permit. In short, the commission is distinctly of the opinion that the state board should be armed with lawful authority to supervise and control the educational interests of the state. To this end, the commission has submitted a considerable number of recommendations, which will be found below. Some of these recommendations are fundamental and if carried into effect by appropriate legislation will modify profoundly the educational system of the state. Others refer to matters of detail and are submitted as recommendations of what we think would be advisable in matters not of the first importance.

First of all, as will be seen, we earnestly recommend the early abolition of school districts and of the whole district system of management within the borders of our state. We recognize that in some large towns the question of town control is rather economic than educational. We believe that in the city of Hartford, for example, it is doubtful whether the schools as schools would be improved by consolidation, yet we cannot imagine that the schools would be injured through such a process. If in the opinion of the legislature it should seem wise to exempt incorporated cities from enforced consolidation, probably no harm would be done to educational interests, though we should think it a pity if such com-

munities would not in the interests of the whole state consent to a change in their own methods. But in the rural districts we believe that the district system is responsible for a very considerable part of the evils which we find to exist.

It is further recommended that the state be divided into territories of convenient size, taking into account population as well as area, for adequate supervision, these territories to be called supervisory districts or by such other title as seems appropriate; and that a supervisor, who should devote practically his whole time to the work of supervision, should be appointed, by local authority, in accordance with the conditions now prescribed in section 132 of the school laws, for each such territory. These supervisors should be responsible to the state board, which board should prescribe their duties, receive their reports, and have the power of removal for cause. Such a step as this will make it possible to develop teachers and promptly to sift out the good from the bad. It is obviously impossible for the secretary of the state board to exercise personally the minute supervision over all the schools in the state which is distinctly required, and it is in our opinion highly desirable that a corps of competent supervisors should be immediately put in charge of the schools.

It will be seen that we recommend also the substantial abolition even of town lines in the matter of attendance. There is no adequate reason for compelling children to travel an unreasonable distance in order to attend school when another school is almost at their door, the other school being established and largely maintained by the authority and resources of the state in which these children are resident.

We recommend further and most earnestly that after a brief period no person be allowed to teach in any school in this state of whose qualifications for the work the state board is not well assured. The system of local examinations is in our opinion essentially bad in its results, though we cheerfully admit that persons so appointed are not invariably poor teachers. But in so many cases they are poor teachers that the demand for a different and more centralized system seems to us irresistible.

It is a simple matter of fact that the salaries paid to teachers, especially in the smaller schools in this state, are much less than the salaries paid for similar work in other and neighboring commonwealths. The result of this is that it is difficult to retain our better teachers. The obvious way to remedy this difficulty is to increase the salaries of our teachers so that they will be comparable with those paid in other states, and it is believed that the extension of the operation of the average attendance law will con-

tribute to this end. Meantime, however, it may fairly be considered that the graduates of our normal schools, where tuition is absolutely free, may quite properly be required to teach within the state for a definite period. The men and women who receive this preparation at the expense of the state do now when entering upon their normal course file a declaration of their intention to teach in the state of Connecticut. This declaration, however, carries with it but little sense of obligation. It would seem desirable that such normal pupils should sign a definite contract to teach in the state for a specific period of, say, not less than three years. Probably such a contract would be difficult of enforcement if a teacher wished to violate it. Yet it would carry with it an emphatic suggestion of duty, and furthermore it is possible that the school authorities of other states would hesitate to employ a teacher who had, in order to accept their proposition, violated a written contract. In this connection the commission suggest, but without positive recommendation, that it might be desirable to establish a certain number of limited cash scholarships in our normal schools for pupils of special promise and who as a return for the pecuniary aid thus afforded would contract to teach for a definite number of years in any school in the state to which they should be assigned by the state board of education. It seems to us that in time this process might result in securing better qualified teachers in the smaller schools. The cash value of a scholarship need not exceed $150 a year.

We recommend that the operation of the so-called average attendance act be extended so as to include technically every town in the state. Such an enlargement of its scope will not, of course, include all or nearly all of the towns in the state. It will simply ensure this, that in no town in the state shall there be less than twenty-five dollars expended annually per pupil in average attendance in providing for his education. It will tend to even up the educational opportunities of the children of the state and it will do this at an expense which in view of the saving possible to be attained in other directions is entirely reasonable.

We recommend that whereas the school laws now provide (Section 169) "that the schoolhouse and out-buildings must be satisfactory to the board of school visitors," the law should provide that such buildings must be satisfactory to the supervisor appointed in accordance with the recommendation above submitted.

It is the opinion of your commission that no school in which the average attendance is less than twelve should be continued, but that in every case in which a school is closed for lack of reasonable attendance, the pupils should be carried when necessary to and

from some larger school in their neighborhood. And in this connection we feel it important that in those cases and in the cases already provided for the means employed for transportation should be subject to the approval and under the control of the supervisor.

We are also of the opinion that either the state or the supervision district or the town should provide free text books for all the children. Under present regulations there is grave difficulty in the towns in which free text books are not yet provided. Some of the children have books, for some of the children whose parents are apparently unable to purchase books they are provided as an act of charity by the town, but there are many children whose parents though well able to provide text books do not as a matter of fact provide them. And the operation of the school is hindered or even made impossible by this condition of affairs.

The time is at hand when, in our opinion, the state must take up and consider seriously the problem of establishing state high schools in localities remote from the larger communities in which high schools now exist. It is certainly desirable that every boy and girl in Connecticut should have the opportunity to attend a high school, and it is probable that in state high schools carefully located so as to be accessible and convenient for relatively large rural areas will be found the only solution of the question.

Your commission are of the opinion that it is the duty of the state to provide to a considerable extent industrial education, including training in at least the elements of agriculture. Certain of our recommendations bear directly upon this problem. It is for the interest of the state that the successive generations of young men and women, as they take up their work in life, should be able to do something of more importance than the unskilled labor or the skilled labor unskillfully performed which now seems to occupy them as a matter of necessity. The reason for any public training is the desire of the state that its citizens should be competent; and no man or woman is competent to discharge the duties of citizenship or to contribute proportionately to the prosperity of the commonwealth who has not been taught how to do something which the commonwealth desires to be done, which indeed must be done if we are to maintain our civilization and improve upon it.

* * * * * * *

Your commission realize that if their recommendations are approved and made effective by appropriate legislation, the amount of the annual appropriation to education on the part of the state will be increased. Something at least will be saved if the three or four hundred schools above described are closed.

Yet as the children now in attendance at such schools must in most cases be transported at some expense to the larger schools, the saving in teachers' wages, while more, probably, than the cost of transportation, will ameliorate the financial situation but little. It seems to us that the state must face the necessity of spending more money on its schools, the necessity of providing the education which it compels its children to accept, the necessity of controlling those enlarged expenditures in such a way as will secure the highest advantages to the coming citizens of the commonwealth. It is but poor economy to spend money on the material necessities and luxuries of twentieth century civilization unless we are ready also to spend sufficient sums in the effort to ensure an educated and intelligent population to enjoy the material heritage which they are to receive from us.

Very respectfully

For the commission

Flavel S. Luther
Charles H. Tibbits
Moses E. Banks
Frank K. Warren
Luther K. Zabriskie

CHAPTER VI

ORIGIN OF THE UNITS AND FORMS FOR LOCAL CONTROL

In the Textbook which is to follow this collection of readings the evolution of the district system in New England, together with the struggle to subordinate and control it, are traced in some detail. In the *Source Book in the History of Education in the United States* which is to follow, documents illustrative of this process are given.

I. The Evolution of the District System

Materials on this topic will be found in the *Source Book in the History of Education in the United States.*

II. Compulsory Town Maintenance of Schools

Commonwealth *versus* The Inhabitants of Dedham, 16 Mass. 141.

(*Supreme Court of Massachusetts,* 1819)

At the Circuit Court of Common Pleas, April term 1817, the following indictment was returned by the Grand Jury, viz.

"The Jurors, etc., on their oath present, that the town of *Dedham* in said county of *Norfolk,* at said *Dedham,* on the 26th day of April, 1816, and from that time to the 26th day of April, 1817, did contain, and still doth contain two hundred families and upwards; and that said town of *Dedham* at said *Dedham,* did, during all the time from said 26th of April 1816, to said 26th of April, 1817, neglect, and still does neglect the procuring and supporting of a grammar schoolmaster, of good morals, well instructed in the *Latin, Greek* and *English* languages, to instruct children and youth in said languages; which is in subversion of

that diffusion of knowledge, and in hindrance of that promotion of education, which the principles of a free government require, and which the constitution of the Commonwealth enjoins; against the peace and dignity of said Commonwealth, and the form of the statute in such case made and provided." [1]

The said indictment was tried upon the general issue of not guilty in the court below, and being brought into this court by appeal, was again tried before *Wilde* J., February term 1818: when the defendants offered to prove that they employed one person two months during the said year to instruct the children in one of the town or district schools, which was similar in its regulations to all the other schools in the town, of which there were eleven. The selectmen had never interfered, in any manner, to regulate the admission of children into said schools. The person so employed was a graduate of Harvard College, and a student in divinity: and the defendants contended that he was a Grammar schoolmaster of good morals, well instructed in the *Latin*, *Greek* and *English* languages; and that his being employed as aforesaid was, in part, a compliance with that part of the statute, on which they were indicted.

But the judge instructed the jury, that it was not an observance of the statute.

The defendants also offered to prove, that two other persons, one a Senior Sophister in the college at *Providence*, and the other a Freshman in *Harvard College*, were employed during the said year, four months and an half each, to instruct the children of two other schools, having the same regulations as that before mentioned. There were no regular certificates of the qualifications of the said two schoolmasters last mentioned, obtained before their employment; but the defendants offered to prove, by certificates obtained after their keeping said schools, and by the parole testimony of the ministers of *Dedham*, that both of them were, at the time of their instructing said schools, of good moral characters, and well instructed in the *Latin*, *Greek* and *English* languages.

The judge ruled that such evidence was incompetent, and that the defendants could not prove those facts by any other evidence, than those certificates required by the fifth section of the statute.

The schools, which were kept during the said year in the town, were district schools: and there was no separate school for teaching the languages aforesaid.

The defendants were able to prove that, during the said year, other schoolmasters were employed to keep other public schools

[1] Stat. 1789, c. 19.

and were paid with the money of the town; but the masters thereof were qualified only to instruct *English* schools: that the time of employment, during said year, of all the schoolmasters being added, was equal or equivalent to three years for one school: and that the town raised by tax, and appropriated to the use of public schools, during the year, the sum of 2000 dollars. But believing the said evidence alike rejected by the above decision of the judge, the defendants did not offer it: and filed their exceptions to the said decision.

A verdict being returned against them, the defendants also moved in arrest of judgment; — because the said inhabitants are not sufficiently described by their proper name in the indictment; because it is not therein alleged, that the inhabitants of *Dedham* neglected the procuring and supporting grammar schoolmasters etc. — and because said indictment does not aver that the town of *Dedham* contained two hundred families or householders.

At the last October term, *Worthington* for the defendants argued, that all that was required by the statute, of towns comprising two hundred householders, was that they should be provided with competent Grammar schoolmasters for so long a time as that all their services should make an aggregate of twelve months in each year. These may be employed contemporaneously in different districts, and indeed would thus diffuse their instructions through the town more equally than if employed wholly in one district. The word *equivalent* in the statute has the same meaning in its application to grammar schools as to others; and must intend that such schools may be kept at the same time in several districts.

The defendants complied with the requisitions of the statute for eleven months in the year: but they are charged with neglecting their duty during the whole year. Had they been indicted for their actual fault only, they would not have resisted the government. They cannot be convicted of twelve months' neglect, when the evidence shows them guilty of one twelfth part only of the time.

It is the duty of the masters to produce the certificates of their qualifications. The town is not liable for a deficiency in these, any more than for the want of fidelity in the exercise of their employment. It may be added that there is nothing in the statute, negativing other evidence of the qualifications.[1]

In arrest of judgment it was urged that the indictment should have charged *the inhabitants of the town* of Dedham, which is their corporate name; and not the town. — The word *householders* was necessary, since many families might occupy one house.

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[1] 8 Mass. Reports, 111. — 3 Mass. Reports, 232.

The cause was continued for advisement, and at the last February term in this county, the opinion of the court was delivered by

Wilde J. We have taken time for the consideration of this case, not because we thought it entangled with much difficulty; but because we felt unwilling to give a hasty construction to a statute, which has relation to a subject of general interest and importance; and which, although it has been in operation many years, has not been much discussed in our courts of law. On this statute, therefore, we have bestowed considerable attention, and we have no remaining doubts as to its construction.

The first section requires, among other things, that every town or district, containing two hundred *families* or *householders*, shall be provided with a grammar schoolmaster, of good morals, well instructed in the *Latin, Greek* and *English* languages; and shall, in addition thereto, be provided with a schoolmaster or schoolmasters, to instruct children in the English language, for such term of time as shall be equivalent to twelve months for each of said schools in each year.

The fifth section provides that no person shall be employed as a grammar schoolmaster, unless he shall have received an education at some college, and before entering on the business of said school, shall produce satisfactory evidence thereof; or shall produce a certificate of a learned minister or ministers, that he is of competent skill in the *Greek* and *Latin* languages for the said purpose.

And the second section empowers towns to determine and define the limits of school districts, for the accommodation of those inhabitants, whose dispersed situation might render such a division expedient.

These are all the provisions, which are applicable to the present case; and they seem to describe, with sufficient clearness, the duties of towns, in relation both to the regulation of their schools, and the qualifications of the schoolmasters they are permitted to employ. The question then is, whether the defendants have complied with the requisitions of the statute. To determine which, we must first decide what is necessary to constitute a grammar schoolmaster within the act.

It has been argued, that the character or denomination of a school must be determined by the qualifications of the master, and not by the nature of his contract with his employers; and that the production of evidence, to the selectmen, of his learning and morals, is not indispensable.

This argument, however, cannot be supported against the express words of the statute. Doubtless the qualifications of the master are of the first importance to the school; and if these are unexcep-

tionable, it seems hard to say that the school would be illegally instituted, unless the certificates of such qualifications were exhibited to the selectmen, in compliance with the law. But the words of the statute are express, and the meaning is too obvious to admit of a doubt. No person can be lawfully employed as a town schoolmaster, unless he first produce the certificates or evidence required by the statute. Such evidence is decisive as to the legality of the school, and can never afterwards be questioned. Nor can the want of it be supplied *aliunde*. It may be regarded as equivalent to the license of the ordinary, required by the law of *England;* without which no person can there lawfully be employed to teach a grammar school; whatever may be his learning and other qualifications for such a trust.

Again, to constitute a grammar school within the meaning of the statute, it must be duly regulated as to the admission of scholars; and the master must be engaged to teach a school of that description. Now none of the schools in *Dedham* were under the regulations prescribed for grammar schools; nor is it pretended that the masters were engaged to teach any such schools. In most of the districts they were in no respect qualified as grammar schoolmasters: and it is expressly admitted that all the schools in the town were under similar regulations. They must therefore be regarded in the same light, and as forming but one description of schools.

But there is another objection to the defence set up in this case. The schools required by the statute are to be maintained for the benefit of the whole town; as it is the wise policy of the law to give all the inhabitants equal privileges, for the education of their children in the public schools. Nor is it in the power of the majority to deprive the minority of this privilege. If then the schools in three of the districts are to be considered as grammar schools, and those in the other districts as of another description, the whole proceedings of the town have been irregular; and it may well be doubted whether the money of the town can be lawfully appropriated to the support of schools thus instituted. Every inhabitant of the town has a right to participate in the benefits of both descriptions of schools: and it is not competent for a town to establish a grammar school for the benefit of one part of the town, to the exclusion of the other; although the money raised for the support of schools may be, in other respects, fairly apportioned. If the whole of the money so raised by the defendants had been expended in three districts, no one would contend for the legality of such an appropriation. Yet the principle of the present case is the same. For the two descriptions of schools are to be considered as distinct

and independent of each other. Both must be town schools, and not schools for the benefit of a part of the town only.

For these reasons, the Court are all of opinion that the motion for a new trial must be overruled.

As to the motion in arrest of judgment, there seems to be no ground for it. Misnomer is only matter of abatement, and is not a good cause for arrest, even in criminal prosecutions. But if it were, we are of opinion that the defendants are rightly named; and that the deliquency of the town is described with sufficient certainty.

III. The Struggle to establish the Township System in Indiana

[From Rawles, W. A., *Centralizing Tendencies in the Administration of Indiana*, pp. 28–39. *Columbia Studies in Hist., Econ., and Publ. Law*, XVII, 1.]

The tendency towards State centralization in the administration of schools has been attended by a similar movement in the direction of local centralization. A review of the struggle to supplant the "district system" with the "township system" will, in part, explain the conditions which determined the educational life of the State, and will thus contribute to a better understanding of the difficulties which impeded progress for half a century.

The division of the land into townships by the congressional survey and the reservation of the sixteenth section of each township for the use of the inhabitants thereof, for school purposes, betokened, before any statute to that effect, that the township would be the natural unit of the school system. The earliest State laws in respect to schools and school lands recognized this natural division. An act of 1816 authorized the election, upon the petition of twenty house-holders, of three trustees in each congressional township who were declared to be a "body corporate in deed and fact" with full power to make by-laws or regulations for the encouragement and support of the schools in the township.

The law of 1824 — the first serious attempt to establish a public school system — provided for the incorporation of congressional townships, and vested in the corporations the reserved school lands with certain limitations as to their lease and sale. It then proceeded to give the trustees authority to divide the township into school districts, and to appoint three sub-trustees in each district. These officials were accountable to the township trustees for any malconduct in the discharge of their duties; they were subject to

dismissal from office after a hearing, and were also liable to prosecution.

Here was the inauguration of the "district system," an arrangement which left to small territorial areas, thinly inhabited, the control and management of their school affairs. The inhabitants of the district determined whether or not they should have any school at all, the site of the school house, the length of the term (in case it exceeded three months) and the method of payment of the tax. No county, township or district officer had any authority to regulate the use of text-books, the course of study, or the methods of discipline and instruction. The districts depended upon the township trustees for three things only: the appointment of the sub-trustees, the levy of the local tuition revenue, in case such a levy was necessary, and the examination of the teachers. These powers might have been used by the trustees to secure a small degree of local centralization, which would have preserved the township unit; but they were not so utilized.

At that time the educational outlook was not bright. There were only 52 counties organized in the State. "Few townships were officered, and fewer yet maintained schools;" and in these tuition was not always free. The terms seldom exceeded the minimum of three months. The school revenues were totally inadequate "both from the neglect of the lands and mismanagement of the funds." "With the exception of county seminaries[1] deriving some aid from the penal code and the township rents accruing to the State University, there exists no active fund for education to which resort could be had; and the pittance of rent from some sixteenth sections is entirely inadequate to effect the object at this time."[2]

The explanation of the substitution of the district for the township as the unit of the school system must be sought in the physical environment of the people, and in their preconceived ideas of local self-government. It is probable that the location of the "sixteenth section" had almost no influence in determining the place of settlement of families or colonies immigrating to the State. At least a careful examination of a map of the State does not show that the villages, towns or cities are located more frequently in the vicinity of the school section than in any other section. Other considerations more potent, if not more worthy, guided the settlers in the choice of lands and in the location of villages. Chief of these

[1] The establishment of county seminaries was authorized in 1824. These schools were intended to furnish secondary instruction; but in fact, generally included in their course of study the elementary branches as well.

[2] *Report of Senate Committee on Education, Sen. Jour.*, 1825–1826, p. 104.

were nearness to water-courses and water-sources, productiveness of the land (considering their means of cultivation), protection against the attacks of the Indians, and the relationships or friendships with earlier pioneers. Communities were often far apart, and this isolation was still further aggravated by the insufficient means of communication and transportation. In 1820 the total population was less than 150,000; and in three-fourths of the State it averaged less than two to the square mile. The area of a congressional township was thirty-six square miles. In order to have had a meeting of the inhabitants for school purposes, perhaps one-half of them would have found it necessary to travel over almost impassable roads a distance of four or five miles. A single school for all the children of the township was an impossibility. Neighborhoods were often jealous and even bitter in their feelings towards one another. With these obstacles to township unity it seemed but natural to provide schools for the separate neighborhoods as the people of those districts wished.

In addition to these local considerations there was a deep-seated conviction of the sacredness of local self-government. During the Colonial and Revolutionary periods there had developed in America an extreme type of particularism. When the pioneers crossed the Alleghenies and settled in the Mississippi Valley, they carried with them their particularistic ideas. In this sparsely settled region, in self-reliant communities, their individualism had an opportunity for almost unchecked growth. The isolated condition, the dependence upon self-help in a multitude of activities, the self-sufficiency of the separate localities, all stimulated in the individual the ideas of equality and self-assurance; and in the community an unshaken confidence in a localized administration of all civil affairs. In the matters of education, each citizen claimed the right to give his children the kind and the degree of education which he deemed sufficient, and the district insisted upon the same right, irrespective of the larger interests and welfare of the township, county or state. During the next decade the idea of local self-government was carried still further.

In 1833 the slight connection existing between the district and township was severed. The office of sub-trustee was abolished. Three trustees for each school district were to be elected annually thereafter by the qualified voters of the district. They were no longer removable from office by the township trustees, but by the vote of a majority of the patrons in the district. The inhabitants of any district decided whether or not to maintain a school, and determined the amount and character of the tax for building purposes and the proportion each should pay, taking into "considera-

tion the number of each person's children to be educated, and other equitable circumstances." After the school house was once erected and paid for, no person was liable for school taxes "unless he intends to or does participate in the benefit of the school fund." Any one was allowed to send children to such a school free from any other tax than his just proportion of the labor and money necessary to repair or rebuild the school house, "he fulfilling his own contract with the teacher for tuition, fuel and contingencies as in other cases." The district treasurer was required to credit each inhabitant of the district his due proportion of school moneys, based upon the number of days of attendance of his children, and to pay over the said funds "to the teacher to be applied in due proportion to the discharge of the debt due for tuition from each person entitled to the benefit of such funds, if a contract to that effect should have been made by such teacher with the inhabitants or with the district trustees." [1] A show of financial supervision was made in the requirement that the books, papers and accounts of the school commissioner, or of the trustees or treasurer of any district or township, should be subject to the inspection of the board of county commissioners. This local control was neutralized by the ludicrous proviso that three days' notice should be given, by process issued by the clerk of the board on the petition of five freeholders or householders of the district, township or county. This deprived the county commissioners of all power to initiate investigations and gave opportunity to conceal frauds.

The extent to which the theory of decentralization was carried can be inferred from the fact that schools established by religious denominations and by private associations were considered district schools, and were entitled by law to a share of the school revenues and to all other privileges of public schools.

In 1836 and 1837 it was made lawful for any householder to employ a "qualified and certificated" teacher to instruct his children and the children of others of the district who might wish to join with him, upon such contract as he could make; provided the inhabitants should fail to elect district trustees, or the trustees should neglect to take the sense of the district on the question of the maintenance of a school. And any person so supplying a teacher was entitled to his proportion of the revenue of the township. There were many schools of this kind.

[1] In case the district trustee, in the absence of any directions by the district meeting, had contracted that the patrons should pay the teacher a gross sum per month or year, the amount charged against any inhabitant was in the same ratio to the total salary as the aggregate tuition imparted to the pupils sent by him bore to the aggregate tuition of all the pupils sent to the school.

It would seem possible to go no further in the matter of decentralization unless the requirement of a teacher's certificate should be abolished. Indeed, we find that in 1841 this was left to the option of the district trustees. But the same year showed a slight reaction from this extreme individualism. All the property within the district was made subject to any tax imposed for building school houses. A closer supervision of school funds was provided and the township treasurer was required to distribute the revenue of his township among the districts in proportion to the number of children between the ages of five and twenty-one years.

The legitimate fruits of this ill-conceived system of district schools were shown to be: (1) inequality in the length of the school terms, in the efficiency of schools, and in the cost of the maintenance of schools within the same township; (2) a greater expensiveness, because of the multiplicity of officers and the continuance of small schools; (3) incompetency of teachers, because of frequent changes and partiality and favoritism in their selection; (4) inefficiency in instruction, because of diversity of text-books and difficulty in grading and classifying pupils; (5) laxity in the enforcement of school laws, because of the absence of supervision and the ignorance and indifference of the petty school officers; (6) wasteful administration of public school funds and revenues; (7) neighborhood quarrels over the sites of buildings and boundaries of districts; (8) narrow and selfish views as to the ends of public instruction.[1] All this was the outgrowth of an exaggerated idea of the virtues of local self-government.

During the seven years prior to 1843, the unfavorable condition of school affairs received most serious consideration by the leading educators and statesmen. It is evident from the speeches and addresses of prominent men and from the reports of officers and legislative committees that the most intelligent opinion was in favor of some attempt at a centralized system. The revelations made by these utterances finally moved the legislators to action. We find in the revised school law of 1843 an important step towards

[1] In 1840 the House Committee on Education in an elaborate report on the subject of schools, declared that the existing plan "scarce deserves the name of system." "It is a multitude of systems, having no accountability to each other, or to any higher powers." "We present almost the only example of a state professing to have in force a system of common school education, which does not know the amount or condition of its school funds, the number of schools and scholars to be taught and to receive a distribution of those funds." *House Journal*, 1839–40, p. 365. Governor Bigger in his message in 1842 declared: "Our schools are a mass of complicated statutory provisions, presenting difficulties even to the disciplined legal mind, which are almost insuperable to the ordinary citizen." *Doc. Journ.*, 1841–2, *House Rep'ts*, p. 148.

an intelligent supervision under State authority. The Treasurer of the State was declared by law to be the Superintendent of Common Schools. His duties were chiefly financial and statistical. No authority to direct the educational policy was given him. However, the first thing necessary to develop a satisfactory school system was to secure full, reliable and accurate information as to funds, revenues, schools and children of school age. A beginning in this direction was made by this act.

This material advance towards centralization was attended by a considerable degree of local centralization. In the absence of instructions by the district meeting, the district trustee was empowered to contract with a teacher. He also was given authority to determine what branches should be taught. Taxes levied by the district meeting were thereafter to be assessed and collected by county officers and not by district officers. Much more important was the requirement that any such tax should be assessed upon all the taxable property of the district, except that of negroes and mulattoes who were not entitled to the privileges of the schools.

Pursuant to the recommendation of the General Assembly at its thirty-first session a "Convention of the Friends of the Common Schools" met at Indianapolis May 26, 1847. Its committees drafted a bill to provide for the improvement of common schools and an address to the people. The report accompanying the bill was very exhaustive in its review of the situation of the schools and school funds. In the address to the people it was stated that in 1847 one-seventh of the people over twenty years of age could neither read nor write; that 30,000 voters in Indiana were illiterate; and that the annual expenditure for education was only about $125,000. The only important act of the General Assembly at this time was a law submitting to a popular vote the question of the support of the common schools by general taxation. The result of the vote was in favor of State-established, State-supported and State-controlled schools.

The Legislature soon afterwards proceeded to enact a law which gave greater security to school funds and greater accuracy to reports, inaugurated the policy of State support of the schools by means of general taxation, and strengthened the local centralization. The number of trustees in each district was reduced from three to one. Besides attending to the business of the district, the trustee was made "the organ of communication between the district and the board of township trustees" to whom he was expected to make "such suggestions as may advance the educational interests of his district." In addition, he was required to make reports to the clerk of the township board. Acceptance of

the offices of township and district trustees was made obligatory. The township was made the unit for the distribution of the school funds. The township trustees were required to provide a sufficient number of schools to accommodate the pupils of their townships for at least three months annually. All schools of the township were to have school terms of equal length. Schools established by private liberality were still entitled to their just and equitable allowance from the public funds. The worst defect of the law was the proviso that left it to each county to determine whether or not the law should operate within its jurisdiction. At the first election following its enactment, the law was adopted in fifty-four counties.

The definitive step in this tedious transition from the district to the township system was taken in 1852. This law was mandatory in character and applied to every county and every district. A uniform system of administration was created for civil townships, and the political functions were taken away from the congressional townships. Each civil township was declared to be a township for school purposes, and the township officers, to be school officers.[1] The three trustees[2] had power to manage the schools and school lands in nearly the same way as at present. Incorporated cities and towns were for the first time made school corporations independent of the townships in which they were situated. They were declared to be entitled to their proportionate share of school funds, and given power to establish graded schools. All school corporations were empowered to levy taxes for building purposes and for the support of schools after the public funds were exhausted.

It has been said that Indiana was "the first State in the Union to incorporate it [the township system] into her educational code." However that may be, it was certainly an innovation of the greatest import. Gradually it came to mean the diminution of the expenses of administration, the equalization of opportunities within the township, the employment of more competent teachers with longer tenure, and greater professional interest and ambition. In the place of narrow localized interests and neighborhood quarrels and factions, it led to the expansion of interest, sympathy and civic pride so as to include the civil and educational welfare of each citizen of the larger community.

[1] *Rev. Stat.*, 1852, i. p. 440. In 1855 the county commissioners were instructed to make the boundaries of the civil townships coincide as nearly as possible with those of the congressional townships. This simplified the distribution of the revenue from the congressional township fund. *Laws*, 1855, p. 181.

[2] Reduced to one trustee by the law of 1859.

CHAPTER VII

THE DISTRICT UNIT AND THE DISTRICT SYSTEM

THE nature and essential features of the district system of school administration can be seen from the following citations to and illustrative extracts from the school laws, and quotations from those who may be regarded as authorities.

I. FORMATION OF DISTRICTS, AND ALTERATION OF BOUNDARIES

The school laws in all district-system states provide means for creating new school districts and altering district boundaries. The proceedings are often quite detailed, and must almost of necessity be so when the district unit of taxation is involved. Typical and illustrative methods can be found by looking up and comparing the legal procedure in the following states:

1. MISSOURI. A slow and an unnecessarily cumbersone method. (See *Missouri School Laws* (1913 Ed.), Sec. 10,837, and the Supreme Court decisions following the sections.)
2. CALIFORNIA. A better method, but with the initiative resting wholly with the districts. (See *California School Laws*, Art. V., Secs. 1577–1579, and 1543.)
3. TEXAS. A much better method, with the initiative resting with either side. (See *School Laws of Texas* (1913), Secs. 103–105.)
4. NEW YORK. The initiative resting with the county educational authorities. (See *New York Education Law*, Art. 5.)
5. GEORGIA. A simple and effective method. (See *School Laws of Georgia*, Part III.)
6. OHIO. An almost equally simple and effective method. (See *Ohio School Laws*, Secs. 3921 and 3923, and Forms and Instructions, VIII and XVIII.)

II. The School District Meeting

This institution once played a very important part in district school organization, and still remains strong in a few states. New York is a good example. This state is one in which New England traditions still remain strong, and where the town-meeting idea still prevails. The powers still retained by the annual school meeting are large, while many of the matters which the people are called upon to vote are of such a nature that they could be settled more easily if left to the district trustees for determination, or settled once for all by uniform state law. Progress must necessarily be slow under such a system. (See *New York Education Law*, 1914, Art. 7.)

Other illustrations of the Annual Meeting, arranged in a scale of decreasing importance, may be found, as follows:

1. Arkansas. Annual meeting required; large powers; and in the matter of maintaining a school extraordinary. (See *Arkansas School Laws*, Secs. 7588–7592.)
2. Indiana. Subdistrict meetings only; limited powers. (See *School Law of Indiana* (1911 Ed.), Chap. VII, Secs. 125–127.)
3. California. Meeting only occasional, on call; powers very limited; meeting approaching extinction. (See *School Law of California*, Art. VII, Sec. 1617, subdiv. 20.)
4. Illinois. Meeting for election of trustees, and receiving the annual report only. (See *School Law of Illinois* (1909 Rev.), Secs. 106, 107, and 114, subdiv. 1.)

III. Methods of Electing Trustees

1. New York, mentioned above, is typical of the method of electing the trustees in annual school meeting. Where the school meeting has disappeared, other methods must be employed, of which election and appointment are the common ones. California is a good illustration of the former, and Georgia of the latter.

2. California. General election in the spring, on a day uniform throughout the state. (See *California School Law*, Art. VI, Secs. 1593–1602.)

3. Georgia. Appointment by the County Board of Education. (See *School Laws of Georgia*, Part III, Sec. 9.)

IV. Powers and Duties of School Trustees

(Boards of Education in cities not included here.)

While the powers and duties of boards of school trustees, or school directors, vary much in the different states employing the district system, the different states may nevertheless be classified roughly as (1) States in which the district trustees possess large powers, and (2) States in which the district trustees possess rather limited powers. Colorado, Kansas, Illinois, and Washington are examples of the first type, and Alabama, Georgia, Maryland, and West Virginia of the second type. As illustrative of these two types the laws for Illinois and Alabama are reproduced.

1. *School Law of Illinois*

(As amended by the 48th General Assembly, 1914 Ed.)

An Act to establish and maintain a system of Free Schools:

§ 103. In all school districts having a population of fewer than one thousand inhabitants, and not governed by any special Act, there shall be elected a board of directors to consist of three members.

§ 104. The directors of each district shall be a body politic and corporate, by the name of "school directors of district No. —— county of ———— and State of Illinois," and by that name may sue and be sued in all courts and places where judicial proceedings are had.

§ 105. Any person not a treasurer, or a trustee of schools, who has attained to the age of 21 years, who is a resident of the school district and able to read and write the English language, shall be eligible to the office of school director.

§ 106. The annual election of school directors shall be on the third Saturday of April. At the first regular election of directors after the passage of this Act, a successor to the director whose term of office then expires shall be elected, and thereafter one director shall be elected in each district, annually, who shall hold his office for three years. When vacancies occur by removal from the

district or otherwise, the remaining director or directors shall, without delay, order an election to fill such vacancies, which election shall be held on Saturday.

§ 107. Notice of all elections in organized districts shall be given by the directors at least ten days previous to the day of election. Such notice shall be posted in at least three of the most public places in the district, shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be submitted, and may be in the following form, to-wit:

NOTICE OF ELECTION

Notice is hereby given that on Saturday, the.....day of April, 1.., an election will be held at....., for the purpose of electing.....school director..... for the district No....., in ..... county. The polls will be opened at.....o'clock.....m., and closed at.....o'clock .....m.

Dated this.....day of....., 1....

A..... B.....President
C..... D.....Clerk

Should the directors fail or refuse to order any regular or special election, it shall be the duty of the township treasurer, or if the township treasurer fails to do so, of the county superintendent, to order such election within ten days.

§ 108. Two of the directors ordering an election shall act as judges, and one as clerk. If the directors, or any of them, shall fail to attend an election, or shall refuse to act when present, and in elections to fill vacancies, the legal voters assembled shall choose such additional members as may be necessary to act as judges and clerk of the election. If the directors or judges shall be of the opinion that on account of the small attendance of voters the public good requires it, or if a majority of the voters present desire it, they shall postpone the election until the next Saturday, at the same time and place. If notice shall not have been given as required, the election shall be held on any Saturday, notice being given as required by law. In case of a tie, the judges shall decide the vote by lot on the day of election.

§ 109. Within ten days after the election, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate showing the election of directors and the names of the persons elected; which poll book shall be filed by the treasurer, and shall be evidence of the election. In a district divided by a township line the poll books shall be returned to the treasurer who receives the taxes of the district.

§ 110. Within ten days after the annual election, the directors shall meet and organize by appointing one of their number president, and another of their number clerk. The clerk shall at once report to the proper treasurer or treasurers the names of the president and clerk so appointed.

§ 111. The directors shall hold regular meetings at such times as they may designate, and special meetings at the call of the president or any two members. No official business shall be transacted by the directors except at a regular or a special meeting. Two directors shall constitute a quorum for the transaction of business. If the president or clerk be absent from any meeting, or refuse to perform his official duties, a president or a clerk *pro tempore* shall be appointed.

§ 112. The clerk shall keep in a punctual, orderly and reliable manner, a record of the official acts of the board which shall be signed by the president and the clerk, and submitted to the township treasurer for his inspection and approved on the first Mondays of April and October, and at such other times as the treasurer may require. On all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board.

§ 113. On or before the seventh day of July, annually, the clerk shall report to the treasurer having the custody of the funds of his district, such statistics and other information in relation to the schools of his district as the treasurer is required to include in his report to the county superintendent of schools.

§ 114. The board of directors shall have the following additional duties:

First — To make, at the annual election of directors, to the voters there present, a detailed report of receipts and expenditures, and transmit a copy of the same within five days to the township treasurer.

Second — To report to the county superintendent within ten days the names of all teachers employed, with the dates of the beginning and end of their contracts.

Third — To provide for the revenue necessary to maintain schools in their districts.

Fourth — To determine, in case of a district composed of parts of two or more townships, which treasurer is to receive the taxes of the district, and to notify the collectors in writing accordingly.

Fifth — To adopt and enforce all necessary rules and regulations for the management and government of the public schools of their district.

Sixth — To visit and inspect the public schools as the good of the schools may require.

Seventh — To appoint all teachers and fix the amount of their salaries.

Eighth — To direct what branches of study shall be taught, what text books and apparatus shall be used, and to enforce uniformity of text books in the public schools; but they shall not permit books to be changed oftener than once in four years.

Ninth — To establish and keep in operation for at least six months in each year, and longer if practicable, a sufficient number of free schools for the accommodation of all persons in the district over the age of six and under twenty-one years, and to secure for all such persons the right and opportunity to an equal education in such schools.

Tenth — To purchase, at the expense of the district, a sufficient number of text books used to supply children whose parents are unable to buy them. Such text books shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

Eleventh — To deliver to the township treasurer on or before the seventh day of July, annually, all teachers' schedules made and certified as required by law.

Twelfth — To pay no public money to any teacher unless such teacher at the time of his or her employment shall have held a certificate of qualification obtained under the provisions of this Act, and shall have kept and furnished schedules as required by this Act, and shall have satisfactorily accounted for books, apparatus and other property of the district that he may have taken in charge.

Thirteenth — To cause a copy of the township treasurer's report of the financial condition of the district to be entered upon the records of the district, and to post the same at the front door of the building where the annual election of directors is held.

§ 115. The board of school directors shall be clothed with the following powers:

First — To purchase a suitable book for their records.

Second — To allow the clerk a reasonable compensation for his services, payable out of money not otherwise appropriated.

Third — To dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause.

Fourth — To assign pupils to the several schools in the district; to admit non-resident pupils when it can be done without prejudice to the rights of resident pupils; to fix rates of tuition, and to collect and pay the same to the township treasurer for the use of the district.

Fifth — To suspend or expel pupils guilty of gross disobedience

or mis-conduct, and no action shall lie against them for such expulsion or suspension.

Sixth — To provide that children under twelve years of age shall not be kept in school more than four hours daily.

Seventh — To appropriate school funds for the purchase of libraries and apparatus, after provision has been made for the payment of all necessary school expenses.

Eighth — To sell at public or private sale any personal property belonging to the school district, and not needed for school purposes.

Ninth — To grant special holidays whenever in their judgment such action is advisable, but no deduction shall be made from the time or compensation of a teacher on account of such days.

Tenth — To have the control and supervision of all public school houses in their district, and to grant the temporary use of them, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and literary societies, and for such other meetings as the directors may deem proper.

Eleventh — To decide when a site or building has become unnecessary, unsuitable, or inconvenient for a school.

Twelfth — To borrow money, and issue bonds for the purposes and in the manner provided by this Act.

Thirteenth — To furnish each school with a flag and staff, as provided by law.

Fourteenth — To establish classes having an average attendance of not fewer than fifteen pupils for the instruction of crippled children over the age of six and under twenty-one years.

Fifteenth — To establish classes for the instruction of deaf children over the age of three and under twenty-one years: *Provided, however,* that no person shall be employed to teach the deaf who shall not have received instruction in the methods of teaching the deaf for a term of not less than one year.

Sixteenth — To establish kindergartens for the instruction of children between the age of four and six years, when authorized by a majority of the votes cast at an election held for that purpose under the provisions of section 198 of this Act: *Provided, however,* that the tuition or other expenses of such kindergartens shall be defrayed from the local tax and from the special school revenue of the district: *And, provided, further,* that no one shall be employed to teach in a kindergarten who does not hold a certificate issued as provided by law certifying that the holder has been examined upon kindergarten principles and is competent to teach the same.

§ 116. Every order issued by the school director shall state for what purposes or on what account it is issued, and shall be in the following form, to-wit:

$..... STATE OF ILLINOIS,....., 1....

THE TREASURER OF TOWNSHIP

No..... Range No....., in.....County
Pay to the order of.....
the sum of.....Dollars,
100
for .....
.....
By order of the Board of Directors of
District No..... in said County.
.....President
.....Clerk
Order No.....

An order paid in full and properly indorsed shall be a sufficient receipt for the purposes of this Act. The school directors shall issue no order, except for teachers' wages, unless at the time there are sufficient funds in the hands of the treasurer to pay it.

§ 117. When there is no money in the treasury to defray the ordinary and necessary expenses of the district, the directors may issue warrants against and in anticipation of any taxes levied for the payment of the ordinary and necessary expenses of the district, to the extent of seventy-five per cent of the total amount of the tax levied. Such warrants shall show upon their face that they are payable solely from the taxes when collected, and shall be received by any collector of taxes in payment of the taxes against which they are issued. And such taxes shall be set apart and held for their payment.

§ 118. The directors shall pay the wages of teachers monthly. Upon the receipt of a schedule properly certified the directors shall forthwith issue and deliver to the teacher an order on the township treasurer for the amount named in the schedule. Such order shall state the rate and time for which the teacher is paid. It shall not be lawful for the directors to issue an order until they have duly certified to the schedule; nor shall it be lawful for the directors, after the date for filing schedules as fixed by law, to certify any schedule not delivered to them before that date, when such schedule is for time taught before the first of July preceding, nor to give an order in payment of a teacher's wages for the time covered by such delinquent schedule.

§ 119. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine

months, without a vote of the people at an election called and conducted as required by section 198 of this Act. A majority of the votes cast shall be necessary to authorize the directors to act. If no locality shall receive a majority of the votes, the directors may select a suitable site. The site selected by either method shall be the school site for such district.

§ 120. In case the compensation for the school house site cannot be agreed upon, it shall be the duty of the directors to have such compensation determined in the manner provided by law for the exercise of the right of eminent domain: *Provided, however,* that no tract of land outside the limits of any incorporated city or village, and within forty rods of the dwelling of the owner of the land, shall be taken for a school site without the owner's consent.

§ 121. Pupils may be transferred from one district to another upon the written consent of a majority of the directors of each district, which written consent shall be filed with the treasurer and shall be evidence of such consent. The duty of collecting the amount due on account of pupils transferred shall devolve upon the directors of the district in which the school was taught. Whenever the number of children between the ages of 6 and 16 years in any district school shall be fewer than six, it shall be lawful for the directors of such district to arrange for the transfer of pupils and, when necessary, provide free transportation for them to a neighboring school. Such transfer and free transportation shall be held to be a compliance with paragraph 9 of section 114 of this Act, entitling the said district to receive its share of the funds distributed in accordance with section 35 of this Act.

2. *Public School Laws of Alabama*

(Chapter 41, Code 1907)

Article 7

DISTRICT TRUSTEES; ELECTION, POWERS AND DUTIES

1697. (3560) (966) *District trustees; election of; term of office.* — On the first Saturday in July, 1908, and each fourth year thereafter, at an hour to be fixed and appointed by the county superintendent of education of each county, and to be uniform throughout the county, after notice has been given thereof by the county superintendent of education by publication in a newspaper published in said county for three successive weeks (the expenses to be paid out of the county treasury), and if there be no newspaper published in the county, then by written notices sent

to each of the chairmen of the boards of district trustees in such county, the qualified electors of each public school district shall meet at the district school house and elect from among the freeholders and householders who can read and write residing in such districts, a local board of three district trustees whose duty shall be as hereinafter provided. The chairman, or, in his absence, a member of the board of district trustees shall preside over such meeting and shall certify to the county superintendent of education the result of the election held thereat, which certificate must show the names of the district trustees elected at said meeting for the district, and said certificate must be filed with the county superintendent of education within five days after such meeting and election; provided, however, that in the event the chairman or other member of such board of district trustees should not be present at the time fixed for said meeting, or, being present, should wilfully fail or refuse to call said meeting to order or to preside over the same, then the qualified electors of such district assembled may choose from among their number a person to preside over such meeting, and such person shall be fully authorized to so preside and to make the certificate of election of district trustees had at such meeting and to file the same as herein provided. Any qualified voter of such district may, within ten days after the holding of such election, contest the election of any person or persons shown to be elected by said certificate, by filing a contest in writing with the county superintendent of education and addressed to the county board of education, stating therein the ground for such contest, and it shall be the duty of the county board of education, upon notice to them by the county superintendent of education of the filing of such contest, to meet and hear and determine such contests within twenty days from the holding of the election. The county superintendent of education, upon the filing of all such contests, shall immediately notify in writing such person whose election is contested, of the filing of the same and of the date and place where such contest shall be heard. Such district trustees shall hold office for the term of four years from the time of their election and until their successors are elected and qualified.

1698. *District trustees; organization of.* — The trustees provided for in the preceding section shall within ten days after their election or appointment meet at the public school district schoolhouse, or some place more convenient to all concerned, and shall organize by electing one of their number chairman and another secretary.

1699. (3562) (968) *Duties of district trustees.* — The district trustees shall —

1. Make enumeration of children within school age as provided by law.

2. Care for all school property.

3. Nominate teachers for their school districts, such nomination to be subject to the approval of the county board of education, the contract to teach to be made with said county board of education.

4. Visit the schools within their respective districts, observe the management of the same, and make quarterly reports of the condition of such schools to the county superintendent of education.

5. Perform such other duties as may be required by the county board of education, hereinafter provided for. If said district trustees shall fail or refuse for a period of thirty days after required in writing by the county board of education to nominate and submit for approval a teacher or teachers for their district, or for such period after so requiring in writing, shall fail or refuse to perform any of the duties required of them under this section, the county board of education shall be authorized to perform any such duties, including the nomination and employment of teachers in lieu of said district trustees, wherein they have failed to perform them.

1700. *Graded schools increase number of trustees.* — Whenever there has been established in any school district a system of graded schools free to the children of school age, within such district for a period of not less than eight months in each year, the electors of such district may increase the number of the district trustees to five, and assume entire control of the public schools therein; provided, the trustees of such districts shall make all reports required by law to the county board of education.

V. Comments on the District System by School Officers

Probably no feature of the American public school system has been so condemned by school officers and for so long as has the district system, yet so great is the conservatism of the rural population that progress in substituting a larger unit of school administration has been very slow. The literature of education contains many excellent articles, comments, and addresses which forcefully reveal the wastefulness and inadequacy of the district unit; we reproduce here only a few of the most pertinent of these. Additional comments and opinions

which reveal the same situation will be given, further on, under Chapters VIII, IX, and X.

1. *Some Needed Legislation in Kentucky*

[By Supt. M. A. Cassidy, of Lexington.]

[A paper which did much to secure the abolition of the district system in Kentucky. Though written with only a local problem in mind, much that it contains is general in its application. Reprinted from the *Bien. Rept. Supt. Publ. Instr. Ky.*, 1903–1905, pp. 25–32.]

The most important reform needed in our school system is the abolition of the district as the unit of school government, and the substitution therefore of the county. There are many other reforms that could be urged, but the county as the unit is the educational kingdom of heaven most to be desired at this time. When this is obtained, all the other good things will be added unto it. Other reforms, without this, would be like putting new cloth into old garments, or new wine into old bottles.

The school district is an artificial unit, measured by the length of a child's legs, and established for a single and special purpose. Consequently the schools of Kentucky are governmental outcasts, bearing no relation to the county government, which, for every other function is the only recognized unit. Therefore, instead of the uniform system enjoined by the Constitution, Kentucky has 8,330 independent schools, controlled by 24,990 trustees, with no unity of purpose and with no proper conception of the aim and scope of popular education. * * *

I have no words of abuse for school trustees. Many of them are honest and honorable men. But, in selecting 25,000 officers for any administrative function, it is folly to expect that many of them should have an intelligent conception of the duties to be performed. The duties of school officials are peculiar, and require men of culture, business acumen, high aims for human progress, and capacity for intelligent leadership. But the prevailing sentiment in a majority of districts is that anybody will do for school trustee. * * *

Only a small number of the nearly 25,000 school officials whom our present system demands, desire to hold the positions. School trustee is one office in Kentucky that goes a-begging. Not one-third of the 8,330 districts ever hold an election. The best men will not offer for the positions, and the best men will not go to the

polls, unless there is a row in the district over a teacher or a school tax. Nor are good men to be censured for refusing to hold an office of this character. It is a disagreeable and pestiferous position, which brings the holder neither thanks nor emoluments. The school district is so small that few men care to incur the displeasure of their friends and neighbors in trying to perform the duties required of school trustees. The most necessary tax imposed by trustees upon the district is nearly always regarded as an imposition, and those who attempt to collect it as impostors. If a neighbor has a kinswoman who desires to keep school long enough to purchase a bridal outfit, and the trustees, out of regard for the best interests of the children, see fit to ignore her claims and employ a real teacher, there immediately spring up the two warring factions, and every educational interest in the district suffers. You would as well attempt to push a mule over a cliff as to try to get these men, who wished to do their duty, to serve a second term. It is an office that good men do not desire, and, when no elections are held, the county superintendent is almost subjected to the necessity of getting a search warrant to find men who will serve. I speak from an experience of twenty years.

There are some who cling to the district system because, they assert, it is the most democratic form of school government. On the contrary, it is the most autocratic. Because of an almost general failure to elect school trustees, the Superintendent must appoint a majority of them. When an election is held, the vote is, by no means, an indication of the popular will. I have known scores of elections where five votes were recorded, and many where the two officers and the candidate were the only voters. The school district is democracy gone to seed, a worthless inheritance from Massachusetts, from whose system our own was copied nearly seventy-five years ago. But Massachusetts, after a disastrous experience similar to our own, discarded their system many years ago, and one of her distinguished sons, Horace Mann, has declared that the school district is the "greatest blunder in the whole history of educational legislation." There is neither wisdom nor democracy in it. * * *

As a taxing unit the school district is an egregious failure. Only about $30,000 are annually collected in 8,330 districts to defray the incidental expenses of the schools. This is an average of only $3.60 to the school. * * * Only about $75,000 are annually collected in Kentucky to extend the school term beyond six months. Nearly the whole of this sum is collected in small towns, such as Versailles, Lawrenceburg, Williamstown, and many others like them that comprise one district of the county. Very

little of it is expended on rural schools. In the entire Commonwealth, counting all of the unclassified towns and villages, there are only 675 schools whose terms extend over six months. Sixty-three of these are in Mason County, where, by a special Act of the Legislature, under the old Constitution, this county was made the taxing unit for school purposes. This leaves 7,667 schools in the state with only six months or less. Six months of learning, and six of forgetting! What a commentary on education in Kentucky under the district system! This is not because Kentuckians are penurious or that they are opposed to common schools; but because, under the district system, they behold such poor returns from the more than two millions that are annually expended on their schools by the Commonwealth that they do not care to waste more by local taxation. * * *

Now the question naturally arises in every inquiring mind; what is better for Kentucky than the district system?

The answer may be briefly given: Let the district as the unit of school government be abolished, and, instead, make the county the unit. And why would this be a better system for Kentucky? * * * For the same reason that the town is best for Massachusetts, and the township for Indiana. The county is Kentucky's governmental unit. Since she became a state she has known no other, and by making the county the unit for popular education the rural schools will be elevated to the dignity and importance of other governmental functions. Then the rural schools, where two-thirds of Kentucky's children must be educated, will be closer to and more in harmony with the government from which they draw their sustenance, and by such a unification of educational interests in each county their affairs would be more intelligently and economically administered. * * *

By making the county the unit of school government, it is obvious that its citizens would manifest the same interest in the administration of its schools that is now had in other governmental functions. County pride and a natural desire to get the best for their money expended would insure this. For proof look at the cities of the Commonwealth. Here the city is the unit of school government. Jefferson County, with a school population of about 8,000, is administered by about 300 trustees, while Louisville, with a school population of nearly 60,000, has a school board composed of 14 representative citizens. There is, of course, no comparison between the schools of Louisville and Jefferson County. The same thing is true of Lexington, Newport, Covington, Owensboro and other cities. In the cities the best citizens are selected by the entire municipality to control the schools, and the whole city con-

tributes to their support. All the children have equal advantages, and the success and prosperity of the urban schools are the pride of its citizenship. The wealthiest wards are made to help bear the educational burdens of the poorest, and so all have equal school advantages.

But under the district system the rural schools are, in a large measure, dependent upon the support and guidance of small communities that have little conception of the methods by which good schools are made. Petty jealousies and neighborhood dissensions are reflected in their management. Untoward influences that would be unimportant in wider areas, distract their councils and destroy their usefulness. Because of the absence of a central controlling body, such as a county board of education, and the responsibility consequent to such a body, the schoolhouses are the merest sheds; equipments are makeshifts or are wholly lacking; there are, perhaps, six months of learning and certainly six of forgetting; the selection of teachers is in the hands of men who have little or no conception of what a teacher should be; competency and teaching ability do not assure stability of position; supplementary aid is regarded as extortion; and, indeed, in name only have we a rural system of schools in Kentucky.

And why would the schools of Kentucky be better administered by making the county the unit instead of the district? Simply because there would be a concentration of authority and responsibility in their management. There are, under our present system, an average of 210 school officials to the county. Under the county system there would be an average of five or six. Even the dullest can see that, in this wider area, it would be easier to select a school board of this limited number who would have and would manifest an interest in popular education, than it would be to secure 210 men of the same character. And, too, it is equally obvious that, since this board would be elected by the whole municipality, the electors would hold them to a strict accountability for the successful administration of the schools, as other officials are held in the administration of other county affairs. * * *

If something is not done to give the country people better schools, the time will come when the best of our rural population will crowd into our cities. This would be disastrous to the agricultural interests of our Commonwealth. The liberal education of the farmer's child in the country is the probable salvation of the farming interests. We cannot get away from the fact that the farmer's child must be made an intelligent citizen, not only content to stay on the farm if that is best, but fitted to fill honorably and intelligently any station in life. To do this he must have every

possible opportunity of education and culture that is accorded to the city child. We must rid ourselves of the idea that the country school is a literary poorhouse. There is nothing too good for the country child. Nearly every man who has made illustrious our nation's history was born and reared on the farm. The cradles of most of our Presidents were rocked by country mothers.

I am convinced that, if the county be made the unit of school government, it will be the greatest blessing that could be bestowed on the people of rural Kentucky. It will give them 119 school districts instead of 8,330. It will reduce the great army of nearly 25,000 inefficient school officials to about 500, who can be made as efficient as are the boards of education that manage the schools of the cities.

2. *Auditing District Accounts*

By the Superintendent of Public Instruction of Michigan.

(*71st An. Rept. Supt. Publ. Instr. Mich.*, 1907, pp. 53–57.)

The law authorizing the Superintendent of Public Instruction to audit accounts of school districts is of recent date. It has, however, already justified itself. Before it had become operative there were requests for an auditor from several districts, and as it has become more generally known that such a law exists, the calls have increased far beyond our ability to respond, there being no one in this department who can give the matter his whole attention. The many requests show however that there is much dissatisfaction with the present method of accounting for public funds.

The carelessness and negligence, disregard and ignorance of the plain letter of the law with reference to accounting for public moneys is surprising and altogether too common. Sometimes officers do not so much as read the laws under which they are supposed to be operating, to say nothing of following such laws, nor is this condition confined to the school districts. In many cases it has been necessary to consult the books of the township before the district accounts could be audited. Oftentimes the data needed could not be found in the township officer's books until these books had been audited and proper corrections and additions made. Sometimes it has been necessary even to go to the books of the county treasurer for data that should be found in the township treasurer's books. This would not be the condition if the township books were kept in accordance with the forms they contain, *i.e.*, if each account were kept under its proper fund or head. In some cases the various columns for the proper data are ignored and the whole of the moneys 'bunched' and paid out in

a haphazard manner, some funds thus becoming over paid, while others are made to suffer a shortage of money in some special use for which it was voted. * * *

This neglect is generally because of ignorance of the law, but in some cases it is to cover up the illegal use of the funds that have been diverted to some purpose not voted by the people, or in a few cases used in the private business of the officer, or stolen. Oftentimes the "statements" made cover a misuse of funds in plain violation of the expressed prohibitions of the statutes. The ordinary tax-payer, unless he is willing to stand as a "knocker," and besides being somewhat ignorant of his rights in the case, sits silent and goes away from the annual meeting, dissatisfied with matters.

In some cases the district board takes it upon themselves to make the repairs voted by the district, and allow themselves such wages as they choose, and in some cases they have gone so far as to build a schoolhouse, because 'the district had voted that the district build a schoolhouse,' all in direct violation of the direct provisions of the law. And sometimes the term 'incidentals' covers an actual embezzlement of district funds. * * *

Frequently all warrants, orders and receipts are destroyed after a settlement is made with the proper officers, leaving the treasurer and the clerk without any original documents of defense in case of an investigation into the financial affairs of the township or district; the books may be produced, but they are not conclusive. It is the indorsed warrants and orders, and the receipts that really show how money has been expended. Treasurers of both townships and school districts should forbid the destruction of any of the original documents of their administrations.

From the above facts and the experience gained in auditing district accounts, it is my opinion that each county should have an auditor whose duty it should be to audit the books of townships and school districts annually; also that the laws should be so amended that one of the qualifications for holding the office of treasurer should be the ability to read the English language, and write it legibly.

The violations of the laws in handling school funds and accounting for the same are usually along some of the following lines:

First. School moneys are not kept separate from other moneys. This is in violation of section 1198 of the general school laws.

Second. The school moneys are often used by the treasurer and sometimes by other members of the board for their own purposes. These officers have no thought of defrauding the district, but it is very convenient when some ready money is needed to use some of

the school money which will not be needed for school purposes. As many districts have a large amount of money on hand which cannot be used for school purposes, the money is not returned to the treasury; instead more is used. Again and again this happens until the officer finds it quite impossible to reimburse the district when he is called upon to do so. The result in several districts has been criminal proceedings against the officers. * * *

Third. The money is sometimes loaned to some friend or corporation; sometimes the district votes to loan its surplus funds on a real estate mortgage. In both of the above cases the law is violated. The district cannot go into the loaning business, even if it has a large surplus of cash on hand.

Fourth. The money is sometimes used for other purposes than those prescribed by law; the primary school interest fund, which can legally be used for teachers' wages only, has in many districts been used for all purposes; the one-mill tax money has also been used contrary to the express provisions of the law. In no case can the primary money be diverted legally from the teachers'-wages fund; the one-mill tax can, however, by a vote of the district, be used for other purposes, after a district has had in any school year eight months of school. In no other way can any of this fund be used for other purposes than teachers' wages. Occasionally money voted for a certain purpose has been diverted to some other purpose and so covered in the accounting that the ordinary person cannot discover the discrepancy; again, interest that has been paid by banks has been kept by the officers, contrary to law, such interest being the property of the district; and again, money has been voted by the district board for purposes not authorized by law, and the district kept in ignorance of the fact.

Fifth. In a few cases officers have deliberately defrauded the district, using the money of the district for private business, making no attempt to replace the same, and deliberately falsifying the district accounts and the annual report to this department. A common method of defrauding the district is for two persons of the same family or the same ilk to secure the offices of treasurer and director of the district board. Then these officers present bills for real or fancied services. Two of the officers being of the same family they pass upon the bills favorably and have them allowed, an order is drawn for the payment of the same and when presented to the moderator for his signature is signed by him rather than have any trouble about the matter; quite likely he is bribed by being allowed to do some work about the school grounds or by furnishing some wood or 'supplies,' real or fancied, at an extravagant price, another illegal act.

Sixth. Often the cause for errors is the failure to understand the various funds as designated by law. To make this matter clear a bulletin has been prepared by this department and distributed among school officers. This classifies the funds and gives their sources and the purpose for which each fund may be used.

Seventh. Another cause for errors in accounting for school funds is a misunderstanding of the powers and duties of the school officers and taxpayers. Certain taxes are voted by the district, and certain others by the school board. Officers have sometimes taken advantage of their right to vote taxes by voting a much larger amount than will be needed, and then diverting the surplus to some other use than that for which the money was assessed. * * *

The financial reports of district officers have been corrected so far in 1,342 districts, scattered through over 70 counties of the State. These corrections were as follows:

1. For incorrect report of primary money received	653
2. For incorrect report of primary money on hand, generally because illegally used	261
3. Incorrect report of cash on hand	279
4. For incorrect accounts for various other reasons, among which are — lack of items of receipts and expenditures, incorrect report of wages paid, amounts due the district, failure to account for all the funds in the treasurer's hands	337
Total corrections in the above 1,342 districts . . .	1530

In addition to the above there have been many cases in which primary interest money and one-mill tax money have been illegally used, also many cases of officers being paid for services which they could not legally perform for pay, such as labor on the buildings and grounds, furnishing fuel, etc.

There have been a few cases of defalcation which are at present being prosecuted by the Attorney General.

In nearly every case in which money has been illegally used we have succeeded in having it replaced in the district treasury. These amounts vary from a few dollars in some districts to over $1400 in others.

(Later comment, by the same official)

(*73rd An. Rept. Supt. Publ. Instr. Mich.*, 1909–1910, pp. 7–8)

During the past year the records and accounts of nearly 100 districts in the state have been audited and the books corrected. In every case examined irregularities were found to exist, but in many cases they were unintentional, as was shown by the fact that

they had ceased after the School of Instruction for school officers in that particular county. In these cases the officers were highly pleased with the results achieved in these meetings, and were anxious that others should be held in the near future.

The violations of the law most frequently found and which appear to have been almost universal in the districts examined were the purchasing of school, building, and other supplies from the officers of the districts by the board and the hiring of school officers for miscellaneous work connected with the school, for which they were paid by the day.

Shortages were discovered in 18 districts ranging from a few dollars to over $5000, but in each case these amounts were replaced by either the treasurer or his bondsman without the loss of a cent to the district concerned. On the other hand district treasurers who have been charged with the unlawful use of school funds have asked to have their books audited, and a thorough examination of their books and records has resulted in clearing them of the charges. In several cases interest received on school funds and misappropriated by the treasurer has been recovered, and the beneficial effect of this fact upon the treasurers of one county was shown by the fact that other treasurers of the same county afterward went to the county commissioner and voluntarily acknowledged that they had misappropriated interest on school funds, stated the amount, and immediately deposited the same to the credit of the district.

Another violation of the law which was found in several districts was the loaning of school funds to private individuals on notes and mortgages. This was done in some instances by the district in annual meetings, in others by the district board, and in still others by the treasurer himself. All such loans with accrued interest were immediately recalled and the funds replaced.

Numerous disputes between districts have been settled and districts which have through improper use of the funds on hand been deprived of their apportionment of the primary school fund have had their books audited, their balance on hand properly divided into the several funds, and the reports corrected so that in the future they will receive their share of the primary apportionment.

Investigation has shown that in too many cases the district treasurer depends upon the district director to keep the accounts of the district, and that he does not properly protect himself by keeping a correct and complete account of all moneys received and paid out by himself. The records of the treasurer should be uniform with those of the director, so that they may be easily compared.

3. *Waste in Education*

[Supt. Francis G. Blair, in *28th Bien. Rept. Supt. Publ. Instr., Illinois,* 1908–1910, pp. 503–505.]

Another source of waste in the educational system is in the manner of its administration. The school system of Illinois consists of the taxable property of the tax payers, of the 45,000 school officers elected or appointed by the people to represent them, of the 28,000 teachers who stand in the school rooms day after day and administer to the wants of the children, of the thousands of principals and superintendents in the cities and high schools, of 102 county superintendents, and of a State Superintendent of Public Instruction. This in a rough, general way is the administrative side of the public school system. It is easy to see that in such a vast system, expending $32,000,000 annually for its maintenance, and administered by such a great army of officers there are endless opportunities for leakage and waste. The duplication of officers, the overlapping of authority, the conflict of duties and functions, the opportunities for neglect of duty and of responsibility, all these show us readily that here is a phase of the management of the common schools which needs the careful attention of every believer in the system and of those who make the laws which govern it.

The Educational Commission is recommending several measures which have to do with the administrative side of the public school system. One of these is a State Board of Education, which, in connection with the State Superintendent of Public Instruction, shall in a certain sense have a large supervisory function over the entire system of the State. It is difficult to enter into such detail as would be necessary to set forth the need of such a board. It is claimed, however, for it, that such a board made up of distinguished citizens of the State, interested in the economic administration of this great school force, interested in providing for the children of the State the largest school opportunity at the least cost to the State, would be a movement in the direction of preventing waste in the common school system. The commission is convinced that one of the best means of preventing waste is to strengthen the office of city superintendent and county superintendent. In every great business enterprise it has been discovered that a superintendent who directs the activities of the workmen, who, through advice and counsel, helps them to work in harmony rather than antagonistic to each other, is one of the most valuable officials in the entire system. So in the public school

system, it is believed that the city and county superintendents are officers who should serve the large purposes of avoiding overlapping and duplication in school work and school facilities, who can prevent conflict and waste in the instruction and who can so organize and direct the activities of the school under their charge as to bring forth the maximum of efficiency with a minimum of cost to the community. The commission is recommending a bill providing that after a year or two of trial the city superintendent shall be elected for a term of four years. This will give him an opportunity to mature his policies and to effect the desirable ends which we have suggested briefly. Perhaps the most important officer in the public school system is the county superintendent. The 10,613 single-room schools and the small village and town schools of the State are dependent upon the county superintendent for their success. It is he who, through his counsel, through his plans, through his course of study, through his work with the teachers, secures efficiency, avoids waste, and insures a reasonable degree of success in these schools. The commission is recommending a reclassification of the counties of the State, a new scale of salaries, with a provision for the employment of assistants wherever needed to strengthen the influence of the county superintendent.

Another administrative reform which is offered respects these single-room schools. The Educational Commission is thoroughly convinced that in a great agricultural State like Illinois the single-room school was a necessity from the beginning and will continue to be a necessity so long as such a large part of the State is given over to agricultural pursuits. But it cannot close its eyes to the fact that many of these little schools were established without the most careful consideration and that many of them which were largely attended when they were first established have reached such a low attendance as to make their continuance a financial and educational waste. From 1901–1907 the enrollment in the ungraded schools of Illinois decreased to the extent of 47,000. It is easy to understand the meaning of this. The movement from the agricultural regions to the towns and the cities is continuing and many of these little schools which, in the past, had a sufficient attendance to warrant their continuance can no longer be justified on the grounds of economy or of educational need. Up to my office within the last year came a letter containing this sort of a question. It was written by a director in whose home the teacher was boarding. He said we have just two pupils enrolled in our school. One of them has been sick for a month and the other does not attend regularly. The teacher wants to know whether, in order to draw her daily wage, she must go to the school each morning at nine

o'clock, even though she knows that neither one will be present, and if she goes at nine in the morning, must she go back at one in the afternoon to see whether either one has come, in order to draw her wages. Of course this is an unusual and extreme case, the only one I know of, but it suggests one of the large leaks in the common school system of Illinois, an expenditure of money that cannot be justified upon any ground of educational need or expediency. We have over a hundred schools in Illinois with a smaller enrollment than five. I do not believe that the continuance of these schools can be justified upon any grounds. In order to avoid the waste that comes from the constant depletion of attendance upon these single-room schools the Educational Commission is recommending a bill which is called the township enabling act, providing a means whereby the rural schools of a township may unite the control and management of these schools under one board of directors. There are over 500 townships in Illinois composed wholly of rural schools. It is believed that a great financial saving would be effected and that a great increase in the efficiency of the instruction brought about by an arrangement which would place these several schools under the control of one board which should be elected by the people of these several districts. The financial side of it appeals to me strongly. It is possible in a township to have a great deal of the property in the form of railroads or other large corporations centered in one or two of the districts, where they are taxed to support the schools of those districts, while the remaining portions of the township receive no benefit whatever from the presence of these corporations. I am informed by the county superintendent of Lawrence county that in one township there is a district in which the oil companies have erected all their oil tanks, thus accumulating a great amount of taxable property within one district. There are five other school districts within the township. The one in which these oil tanks have been placed levied last year a tax of one-fifteenth of one per cent and raised $2,500, more than twice as much as was needed to run the schools of that district, but not another one of the districts in the township got any benefit whatever from the presence of these oil tanks in the township. I believe that there is a good argument in favor of this equalization of taxes, but I know that Superintendent Conn, of McHenry county, has presented this argument to you as he has prepared the best argument on that side of the question which has been offered in the State of Illinois. In the purchasing of the supplies for the several schools, employing the teachers, keeping the buildings in repair, supplying them with proper books and apparatus, I believe that this central board would administer the several schools of the

township with greater economy and with greater efficiency than when they are managed by these separate boards of directors. If a board of directors were placed in charge of several rural schools of the township and it was discovered that one of these schools had fallen below five in attendance, this central board could do as boards in the cities do, say to the parents of these children: "This school has ceased to be profitable and we cannot afford to employ a separate teacher for this school. We shall have to ask your children to go to a certain other school within the township. We shall not discontinue the school, but we shall close it up until we are assured that there are enough children to attend it to make it worth while from the standpoint of economy and education to open up the school again." It seems to me that this township enabling act can be made a large influence in stopping the waste in our rural schools.

4. *A Larger Unit of School Organization*

[Supt. Fairchild, in *18th Bien. Rept. Supt. Publ. Instr.*, Kas., 1911–1912, pp. 19–21.]

The present unit of school administration is the district, of which in this state there are 8718. This means that, with the 14,000 teachers, we have an army of between 25,000 and 30,000 school officers to administer the public-school affairs. The cost of the maintenance of our schools amounts annually to more than eleven million dollars.

Viewed as a business proposition, the financial management of our schools ranks with the big enterprises of the day in importance. In no other big business do we find such lack of organization prevailing with respect to the collection and disbursement of funds. It is evident that the district system is out of touch with modern business methods. Not only does the present system insure unnecessary extravagance and actual waste of funds, but it is ineffective in a still more important detail. Because of this vast army of school officials, selected often at random and without regard to special fitness for the administration of school affairs, there is a complete lack of coördination and unity of effort. There can be no solidarity of purpose nor unity of action under such a system.

Many weaknesses that inhere in our rural schools of to-day are due to the district system. The consensus of opinion, as expressed by students of this important subject, is that the ideal school unit of organization is the county, that the next best is that of the township; while the poorest, the least effective, is the district.

In the county system, which prevails in several states of this

Union, a single board administers the affairs of the schools. Cities having a certain specified population are generally exempt from the authority of the county board. These are classed as independent districts. The affairs of the rural schools are administered by a single board consisting of five or seven members, elected at large. Such a board is able to reduce materially the cost of the upkeep of these schools, since they are able to buy the needed equipment and supplies, such as coal, maps, globes, charts, etc., at wholesale. In the matter of coal alone it is apparent that a great saving could be effected to the districts if the purchase were made in the manner indicated. The county board selects the teachers, and by and with the advice of the county superintendent puts into operation a uniform system of administration, secures uniform courses of study and that unity of aim and action on the part of all the schools that is so necessary to the highest success.

A most serious evil in our present district system is the great variation in the valuation of taxable property among the various districts. At present one district rich in valuation maintains an excellent school for seven or more months each year upon a very low tax levy. The adjoining district, because of a low valuation, is forced to make an extremely high levy to maintain school even for the minimum term. Under the county system the budget is made up by the county board and the taxes are levied upon the entire county and distributed in an equitable manner.

The proposed system is sometimes objected to on the score that it is undemocratic; that it removes from the people the last vestige of popular government. This reasoning does not appear to be sound. For in the district system it is to be noted that the number of patrons that attend the annual meeting is very small; that through them a body of directors is chosen, and to this body is delegated the powers belonging to the people of the district. The plan for a larger unit does exactly the same thing, with this difference: that a board chosen for the purposes mentioned, and having the responsibility of the administration of the educational affairs of the entire county, is certain to be selected with more care. The county unit does not contemplate the destruction of the present districts, but allows them to remain as they are. A local representative is chosen for each district to look after the buildings and to notify the board of needed supplies.

It is not my purpose to discuss at length this important subject. A legislative committee of ten is considering and studying carefully the problem of the larger unit of school organization, and will present to the legislature their recommendations based upon the evidence secured. I have discussed this problem with many

people in various parts of the state, and have been most agreeably surprised at the unqualified approval given by so many of our thoughtful citizens. I earnestly commend to the attention of the legislature this important subject, and trust that it may receive most careful attention at their hands.

V. Rural School Conditions; District System

Rural School Conditions. — Our present district system and the ease with which boundary lines may be changed are responsible for a multitude of ills. Districts are irregular in shape, and unequal in size, population and wealth. Anxiety to be near the school house has caused the formation of numerous new districts, until many are too small and too weak to support good schools. A district financially weak means high taxes, short term, low wages, poor school. There are districts in the same county — sometimes they are adjoining — the valuations varying from a maximum of $50,000 to $150,000; to a minimum of $6,000 to $10,000. The one on a ten-cent levy is able to employ a good teacher for a term of eight or nine months; the other with a sixty-five cent levy is under the necessity of letting a four-months' term to the lowest bidder. These conditions seriously impede progress.

Inequalities in school population are in keeping with other inequalities, but the larger number of pupils does not always belong to the wealthier district. In fact, many districts of less than average valuation are under the necessity of maintaining two schools — one for negro children. There are many districts, some of them financially weak, in which the enumeration is 70 to 100 children and the attendance 50 to 75. Others, some of them wealthy, enumerate 15 to 25 children, and 10 to 15 go to school. The school unit as now constituted is responsible for these conditions. We fear that very little change for the better can ever be made until a different organization is effected. — Supt. L. J. Hall, in *51st Mo. State School Rept.*, 1900, p. 91.

Types of School Boards. — Members of school boards should have a two-fold qualification: business training, and a knowledge of educational work. This naturally presupposes at least ordinary intelligence. The school directors supervise all of the work of the teachers, select ext-books, and, to a certain extent, dictate the course of study. In addition to this they make all contracts, build and equip schoolhouses, and have sole charge of valuable property. Yet there are a few Secretaries in the State who cannot write their names, there are a number of Treasurers who cannot

add a column of figures, and there are Presidents unacquainted with the English language. It is not surprising that county superintendents find it impossible to secure records, and that county treasurers are puzzled in their efforts to balance accounts.

They have more authority than the county superintendent or the state superintendent, and, under present laws, the taxpayers have no redress in most cases of flagrant mismanagement. A director may be removed for malfeasance in office, but relief through the courts is slow. A school board may disregard the law and enjoy various illegal perquisites without the least fear of any serious consequences. — *Biennial Report Supt. Publ. Instr. Colo.*, 1897–1898, p. 10.

The District Treasurer. — In many districts the election of school treasurer arouses more interest than the election of director, yet it is a useless office as far as administration of the schools is concerned. A very great deal depends upon the man elected director. It not infrequently occurs that the election of director hinges upon whom he will support for treasurer, or what bank he favors, in order that some one or some bank may have the use of the school funds on deposit without interest. No such business methods are permitted concerning other public funds.

Why should $5,000,000 of school funds be handled to the advantage of private interests?

The funds would be safer in the hands of the county treasurers on account of the better methods of bookkeeping and the methods of making semi-annual settlements with those officers. Most of the counties in the state could handle the payment of school warrants directly through the county treasurers without any additional expense to the county. — State Supt. Deyoe, in *Bien. Rept. Dept. Publ. Instr. Iowa*, 1911–1912, p. 29–30.

Number of School Officers. — Under our laws nearly 25,000 men are elected as school officers, and to them is committed directly the care of the public schools. I do not care at this time to discuss the propriety or the necessity of such a large number of men to look after the welfare of about 7000 school districts, but it is clear to any observer that each school district is practically a law unto itself, and that school affairs are managed in one district without any reference whatever to the welfare or the desires of an adjoining community. This may be perfectly proper under ideas of local self-government, but in my judgment it is to the detriment of the children who attend the public schools and for whose benefit public schools exist. Too many school boards in their management

of affairs seem to think that the public school exists solely that they may hold an office, or for their especial benefit. This is a mistake, and the disastrous results which we sometimes see, when school boards maintain this attitude, warrant the people in quickly destroying the power not only of the board but of the individual members, so far as they may come in contact with the schools. — Supt. Publ. Instr. Michigan, in *68th An. Rept.*, 1904, pp. 16–17.

Small and Unnecessary Schools. — In Illinois there are 32 districts which have no schools at all. There are 106 schools with fewer than 5 pupils, 589 with fewer than 10, and 1,460 with fewer than 15. . . . In Missouri in 1907 there were 555 districts enumerating less than 20 pupils. In Arkansas in 1906 as many as 462 schools enrolled less than 11 pupils, and in Wisconsin 270. In Kansas 87 schools have an enrollment of 5 or less, 474 an enrollment of from 5 to 10, and 1,049 between 10 and 15. In Michigan in 1902 there were 51 schools with 2 or fewer pupils, or which had no schools at all. — *Final Rept. Ill. Educ. Com.*, 1909, p. 122.

High Schools. — As fast as our towns have abolished the district system by their own vote, they at once began to consider the matter of a high school. So long as the districts exist, we shall not have high schools; but if we can get rid of the districts, we shall ultimately be able to provide high school facilities for the greater part, if not for all, of the children of the state. — Supt. Stockwell, of Rhode Island, in a statement made before the abolition of the district system there.

CHAPTER VIII

THE TOWN AND TOWNSHIP SYSTEMS

The township system has in the past been extensively recommended for adoption in those states where the use of the township for other governmental purposes is common, and the town system, of which the township system of the west is an adaptation, is in use in all New England. The nature of this form of school organization may be seen from an illustration of each.

I. The New England Town System

This is well illustrated by the state of Massachusetts. The following digest, collected from the laws relating to education, shows how school matters are managed there.

1. The school affairs of each city and town shall be under the charge of a School Committee, unless a Board of Education has been provided for by special act. For failure to choose, a fine of $500 to $1000.

2. This Committee shall have general charge and supervision of all the public schools, industrial schools, evening schools, and other schools established, and may make regulations governing them, and determine the number of weeks each shall be kept. (Chap. 42, Secs. 25–7.)

3. "Each town shall provide and maintain a sufficient number of school houses, properly furnished and conveniently located, for the accommodation of all children therein entitled to attend the public schools." Failure to comply with this provision means a fine of from $500 to $1000. School committee has discretionary power, however. Committee has charge of school houses, and furnishes fuel and supplies. (Chap. 42, Secs. 22–4.)

4. "A town which refuses or neglects to raise money necessary for the support of schools (as required by law) shall forfeit an amount equal to twice the highest sum ever before voted for the support of schools therein." (Chap. 42, Sec. 23.)

5. "Every city and town shall maintain, for at least 32 weeks,

in each year, a sufficient number of schools for the instruction of all the children who may legally attend a public school therein, except that in towns whose assessed valuation is less than $200,000, the required period may, with the consent of the (state) board of education, be reduced to 28 weeks." (Chap. 42, Sec. 1.)

6. "Every city and town containing, according to the latest census, state or national, 500 families or householders, shall, and any other town may, maintain a high school, adequately equipped, which shall be kept by a principal and assistants, for the benefit of all the inhabitants of the city or town, for at least 40 weeks, exclusive of vacations, each year." (Chap. 42, Sec. 2.) Towns of less than 500 families must pay tuition for high school pupils in adjoining towns.

7. "Two adjacent towns, each having less than 500 families or householders, may vote to form one high school district for establishing a high school." (Chap. 427, Acts 1908, Sec. 4.)

8. "Two or more towns may severally vote to establish union schools for the accommodation of such contiguous portions of each as shall be mutually agreed upon." (*Ibid.*, Sec. 8.)

9. Every city and town containing 20,000 inhabitants or more shall maintain the teaching of manual training as part of both its elementary and its high school system. (*Ibid.*, Sec. 9.)

10. Any town may, and every city and town of 10,000 or more inhabitants shall, maintain annually evening schools for the instruction of persons over 14 years of age. Cities of 50,000 or more must maintain evening high schools. (*Ibid.*, Secs., 11, 12.)

11. Every city and town must employ a superintendent of schools, to whom shall be given the care and the supervision of the schools of the city or town, subject to direction by the School Committee. Small towns may unite with other small towns for the same purpose. The State Board of Education has power to form supervisory unions to enforce this provision. (Chap. 42, Secs. 40–48.)

12. The School Committee of every city and town must appoint a sufficient number of truant officers, and make rules for the enforcement of the truancy laws. Two or more small towns may combine for this purpose. (Chap. 46, Sec. 12.)

13. "The School Committee shall direct what books shall be used in the public schools, and shall prescribe, as far as is practicable, a course of studies and exercises to be pursued therein." (Chap. 42, Sec. 34.) Free text-books and supplies to be furnished. (Sec. 35.)

14. School Committee shall select, examine, certificate, and dismiss all teachers for the schools. (Chap. 42, Secs. 28–32.)

15. School Committee must prepare an annual school census (Chap. 43, Sec. 3), and must make all statistical returns required by the State. (Chap. 43, Secs. 5–11.)

II. The Township System

This system is found in a number of the northern states, and west of New England. While the system as found in no two states exactly agrees, it may in a general way be illustrated by three main types.

A. Objectionable Types.

1. Iowa. District system allowed to reëstablish itself under guise of sub-districts and independent districts, and defeat the purposes of township organization. (See *School Laws of Iowa*, Secs. 2743–2752, 2785, 2794, 2797, and 2801.)

2. Illinois. District system and township system trying to work side by side. If Kansas should introduce the township system and at the same time keep its district system, it would be an analogous situation. (See *School Law of Illinois*, 1909 Rev., Secs. 19–22, 31–47, 50, 60, 67, 80–82, 103–115, 119, and 121.)

B. Desirable Type.

Indiana. The school affairs as a part of the township's business affairs, and all looked after by one man, the township trustee, who also looks after roads, bridges, poor-relief, library, and other township business. Subdistricts and subdistrict director retained, but with little power. (See *Indiana School Laws*, 1907 Ed., Chap. VIII, Secs., 123, 124, 130–137, 162–168; Chap. XVII, Secs., 326–329; and appended court decisions.)

III. Comments on the Town and Township Systems by School Officers

As was the case with the district system, the literature of education contains many comments, papers, addresses, etc., which point out the advantages of the town or township system over the district system. From these we select a few which are illustrative:

1. *The Township Unit System*

[Bulletin No. 8, 1909–1910, Dept. Public Instr., Michigan.]

Michigan with its 7310 school districts is confronted with a great problem, that of improving the conditions found in many of those districts. This is by far the most important school problem in the state to-day.

All movements which tend to create a more useful country school should receive emphasis. The work is not confined to any one line; but in the establishment of the township as the unit of school administration is to be found one of the most efficient means. The bill passed by the legislature of 1909,[1] made the establishment of the township unit system optional with the people of the township.

There are 747,307 children of school age in Michigan; nearly one-half of that number live in rural communities, and if they attend school, all but few are to be found in district schools. The changes that have come about in the number of children in the districts since the organization of such districts, have given rise to some peculiar conditions. There are several districts in the state with only one child of school age on the census list, many districts with only three, four, or five each.[2] More than 1500 districts out of the total of 7310 have fifteen or fewer children of school age, and less than ten in actual attendance.

The great majority of the rural schools of Michigan are at present under the district system, the township being divided into school districts varying in number from five to twelve; in other words, there are from five to twelve single-room schools in each township, the taxing area being divided accordingly. The number of pupils in these districts varies from one to forty, with a few schools of greater enrollment. Each district board consists of three members. The course of study covers the first eight grades; in a few schools some advanced work is given. The daily program of the average school consists of from twenty to thirty classes. One grade often consists of but one pupil. The conditions are such as to admit of almost no work in drawing, music, nature study, manual training, and agriculture, and even the drill in reading, arithmetic, penmanship, and spelling is necessarily limited. High school departments are very rare.

[1] For a good digest of this law see *Rept. Supt. Publ. Instr. Mich.*, 1909–1910, pp. 51–55.

[2] Michigan is one of the states in which no provision has been made for the forcible closing of small and unnecessary districts, without the consent of the heads of families.

The condition of buildings, as to ventilation, light, furnishings, and equipment, is in many cases poor.

The majority of rural school districts contain from three to six sections of land, a very small taxing area, consequently a high rate of taxation.

These are practically the educational conditions that we are offering to the boys and girls of rural communities. With all our boasted democracy and free schools, equal opportunities have not hitherto been furnished to all. The idea of free public schools as carried out is un-American and unjust. The well-to-do farmers send their children to the city schools and pay their board and tuition in order to give them school advantages. The child whose parents cannot afford this expense, while perhaps just as bright as the more fortunate children, must suffer from their poverty and do without advantages which could just as well be given them in their own district, with little, if any, additional expense.

The interest and efficiency that characterized the large schools of former days in many localities is today wanting in the present smaller schools.

The district system, which served quite satisfactorily a half-century ago, has to a great extent outgrown its usefulness. It has declined in efficiency and will continue to decline. The district school is very much as it was fifty years ago. This condition exists not because the rural population of Michigan is not progressive. Improvement has been made in all other lines. Where the farmer lived in his log cabin and harvested his wheat with a sickle, today the average farm home is one of comfort; the farmer gathers his wheat with a binder; everything connected with the average rural community has advanced.

Two essential features, in educational work as well as in business, must be kept in view, — efficiency and economy. To secure these there must be comfortable, convenient schools, necessary appliances, intelligent teaching, and no more schoolhouses than are needed for the number of pupils. The problem is, how can the maximum amount of efficiency be secured at practically a minimum expense, or, in other words, how can the greatest good to the greatest number be provided at a reasonable expenditure.

Aside from the fact that the average cost per capita in a one-room country school is, in many cases, from three to ten times as much as in the neighboring city and village schools, the results under this system are not only not commensurate with the cost of maintaining, but the advantages offered are far below those of other schools.

A comparison of the following statistics will be instructive. Parallel cases can be shown in nearly every county. The cost per

capita per month in schools which have kindergartens, high schools, and manual training departments is in the majority of cases less than in rural schools where eight grades or less are found.

County of Crawford, Township of Grayling

No. of District	Census	Enrollment	Average Attendance	Months of School	Cost per Capita per Month
Village	555	480	428	10	$ 1.91
4	3	3	2	6½	24.80
6	9	7	7	6	6.01
8	7	4	4	7	9.74
9	11	11	9	7	4.00
11	4	4	3	5	11.86
County of Otsego, Township of Corwith					
Town	216	148	112	10	$ 2.23
1	41	21	18	8	2.89
3	14	6	5	6	7.44
4	7	4	2	5	22.60
5	10	8	6	9	8.03
6	28	25	14	9	6.00
7	21	15	10	8	4.78
8	11	10	6	5	23.65
9	19	6	6	5	9.98
County of Bay, Bangor Consolidated Township					
Tp.	430	328	328	9	$ 1.19

It is manifestly unjust that one school district is forced to maintain a school at a high rate of tax while neighboring districts in the same township maintain in many cases a better school at a far less expense. * * *

It is clear to one who gives the matter any thought that nothing can be done to improve rural school conditions under the antiquated primary system. The schools are small and lack the inspiration and enthusiasm given by numbers, and the cost of maintaining them is excessive, nor is there any possible way by which the pupils can be given the advantages which are found in city schools. The only way in which conditions can be bettered is to do away with the small districts and unite the schools under the charge of one board, and

this can be done under the township unit system. This system is not an experiment. Aside from like organizations in other states, nearly the whole of the upper peninsula of Michigan is organized with each township as a school unit, and by special acts certain districts in the lower peninsula are organized as such.

From an economical standpoint, the township unit system should be adopted. With more than 20% of our district schools having an average of less than ten pupils, and a correspondingly high rate per capita for maintenance, the district system is extravagant without giving value received.

The township system would mean an economy in buildings, including heating and repairs, and at the same time better buildings with better equipment at no increase of cost. The same fuel would warm forty children as would warm five. Five maps and globes would supply the schools where twice that number are now needed.

It should be remembered, however, that the chief purpose of the township unit system is to better the condition of education for the community. Under this system when carried to its conclusion the township will constitute one district with one board of education, a central high school and as many primary or ward schools as are needed, at properly located points in the township, all under an expert supervisor, thus giving closer and superior supervision, both pedagogically and from a business standpoint. A single board of five could undoubtedly administer the affairs of the township better than they are administered by the five to twelve three-member boards today.

The single room school does not afford proper advantages. The township system permits organizing into departments. The school with eight or nearly eight grades, and with an average of four classes to a grade, will have a daily program of at least twenty classes, oftener nearly thirty, admitting of very short class periods; three teachers, or even two, in a school will divide the number of grades, thereby dividing the number of classes, and thus give time for those subjects that are as truly necessary to the education of the boys and girls as spelling and arithmetic. A class period of 20 or 25 minutes with ten pupils in the class will do more for the individual than a period of ten or fifteen minutes with a single pupil. One pupil in a grade results in lack of enthusiasm and the inspiration from numbers.

The township unit system more easily would meet the demand for instruction in elementary agriculture and other industrial training which is impossible with the facilities offered by the ordinary district school, with its inadequate equipment and overcrowded program. It would make practicable the furnishing of all ma-

terials that city schools have at their disposal, and the economy in purchasing supplies in quantities is no small item. * * *

The township system stands for economy, economy in the time of children, in the administration of the schools and the expenses connected therewith. At the same time it makes possible a higher grade of instruction than has been possible and establishes more nearly the same standard of scholarship for all rural schools, a standard more in harmony with that of the larger school systems. Patrons and school officers should do all in their power toward the establishment of the township unit system because it means a square deal for the more than 350,000 boys and girls in the rural communities of Michigan. It stands for equal opportunity for all. — State Supt. L. L. Wright.

2. *Some Objections to the Township System*

[From the *Final Report of the Illinois Educational Commission*, 1909, pp. 125–129.]

The objections most frequently urged against township organization are the following: The township system would take the control of the school out of the hands of the people, a township board would not manifest the same interest in the district school as a board elected by the voters of the district only; the township unit means higher taxes; the township system means the closing of schools, the transportation of pupils and consequently hard roads. Let us consider these objections, taking them up in the inverse order of that in which they have just been presented.

The objection that the township system of school organization involves the question of taxation for hard roads is based on a misconception of what the township system really is. The misconception arises from the supposition that the township system of school organization necessarily involves the consolidation of schools and the transportation of pupils. This is a mistake, the township system does not mean the consolidation of schools, but the unification of school management. We could have township organization without closing a single school. It is probable, however, that under the township system the people of some townships would vote now and then to close a school which had become inefficient. Certainly they ought to do so in the interest of the children of such schools. But if so, it would be of their own action and entirely incidental to township organization. The commission has expressed the opinion that schools containing an enrollment of less than ten pupils should be closed and this opinion is supported by the experience

and practice of other states. But, as has been seen, the form of organization proposed by the commission does not include even that provision. The objection, though invalid, is one which naturally arises, and which has been met with in every attempt to introduce the township system. The present superintendent of schools of Vermont, in speaking on this same point says "the present law was born amid much apprehension and misapprehension. The fear was that a reckless consolidation of schools would ensue. This is antagonistic to its spirit. It means consolidation of management; not schools, except in cases where the larger profit to pupils unquestionably justifies the action." [1]

"Another misapprehension," said he, "was largely increased expense."

This brings us to the objection that the township system involves increased taxation. The answer which comes from all the states which have adopted it is that it does not. In Vermont, for instance, in the year following the adoption of the town system the children of the state received 6411.2 additional weeks of schooling, and the average cost per week was reduced from $11.69 to $10.90.

It is easy to show that if the school facilities remain the same the cost of operating the schools under the township system could not be greater than under the district system. If, for instance, a township has ten schools, employs ten teachers, and has ten boards of school directors, necessitating ten elections annually, and purchases its supplies through ten different channels, it is contrary to reason to suppose that its expenses would not be diminished by uniting the management of its schools under one board of directors requiring but one annual election and by purchasing its supplies in large quantities through one channel. But it is not supposed that the school facilities would long remain the same. One of the chief merits of the township system is that under it they increase. Now, it is possible, even probable, that in time this increase would raise the expenditure of the township to the amount required under the district system, or beyond it. Such increase, however, would depend chiefly upon the growth of interest and pride which the people of the township would manifest in their schools, and the extent of these, of course, cannot be accurately predicted. It is, therefore, absolutely impossible for anyone to say whether in a year, two years, or at any given time in the future the tax rate under the township system would be above or below the level of taxation under the district system. All that can be positively asserted is that at the same rates of taxation the township system will provide better school facilities than the district system. This may be

[1] Vermont School Report, 1893–1894, p. 69.

shown both by calculation and by the evidence from other states which have adopted the township system, and this alone is sufficient to justify the commission's recommendation.

Not only does the township system secure better schools than the district system, but it makes possible a development of schools which could never take place under the district system. The prime object of a system of school organization with respect to taxes is not the reduction of taxation, but the more economical use of the taxes raised for school purposes, and this is attained by the township system. It means an equal distribution of the burden of taxation throughout the territory adopting the system, and consequently the taxes of some persons would be increased under it and those of others diminished. It means also an equal distribution of taxes levied and consequently an equal distribution of school privileges. It should, therefore, appeal particularly to the rural population of the State, for it is obvious on the most casual consideration that the children in towns and cities enjoy superior educational opportunities to the children of those who live in the country. The country people of the state have more to gain from the township system than any other class of citizens.

In regard to the third objection, namely, that a township board of school directors would be less interested in the district school than a local board of directors, it seems plausible enough, and yet a careful consideration will show that it is almost wholly without foundation. It assumes what is not true, and that is that interest in the work of a district school depends upon one's geographical relation to it. It is not even true that a man who sends children to school has necessarily a greater interest in that school than one who does not. Interest in a particular school depends upon an interest in schools generally, and such interest is due to one's natural bent or is called forth by one's professional duties. It is often times a peculiar attribute, and is found highly developed now and then in men and women who are childless. It is an interest, too, which is developed by responsibility. The objection assumes that a school director is more deeply interested in his school and will look more carefully after its welfare than, for instance, the county superintendent of schools. Everybody knows that this is not the case. The county superintendent, because of his professional relationship to the school work in general, is, as a rule, more deeply interested in all questions affecting the progress of the district schools of his county than the directors themselves. Everybody knows that this is the case. So it is to be expected that a township board of directors, because of their increased responsibility and wider professional duties, would manifest greater interest in individual schools than is found among

boards of school directors as they are now constituted. This has been proven in those states which have adopted the township system. On the other hand, the increased responsibility of the school directors under the township plan would lead the people themselves to be more particular with respect to the professional interest and intelligence of the men selected for that position. Thus there would be a double tendency under the township system towards increasing the interest and efficiency of school directors. It should be remembered, too, that interest in a school is not sufficient. It must be intelligent interest. Interest in a school sometimes amounts to nothing more than interference with the school. The experience of other states has shown that under the township system more efficient school officers are secured. People who are most deeply and intelligently interested in an institution do not insist on managing it themselves, but are anxious to entrust its management to the most efficient officers that can be selected. Thus this objection, which is one of the first to occur to those who begin to think about the two systems of school organization, completely breaks down.

Finally, we have the objection that the township system takes the control of the schools out of the hands of the people.

This objection betrays an entire misconception of the nature of popular government and also of what the township system really is. The township system merely proposes to reduce the number of representatives elected to carry out the popular will. It would increase the territorial area from which these representatives are chosen. But since such representatives would still be elected by the people the control of the schools would be left in the hands of the people. It is surely a fact that local government does not depend upon the area of the territorial unit from which representatives are chosen. If under our present system two districts are consolidated, would that affect the participation of the people in the school affairs of those districts? Obviously not. If it did, it might be shown by the same reasoning that to divide a district would make the government still more democratic, which is absurd. School government, like other forms of government, must necessarily be representative, and its democratic nature is not affected in the least by making the township the unit instead of the district. Does the fact that the town is the unit in the making of roads, the building of bridges, the care of the poor, the levying and collecting of taxes, for town purposes, etc., indicate that in these matters the people have surrendered any of their authority? Certainly not, and so if the people should decide to make the township instead of the district the unit of school organization and administration and elect fewer representa-

tives to look after their interests, they would merely adopt a more efficient system for the exercise of a particular governmental function and would surrender not one iota of the power now lodged in them. * * *

Each of our cities is managed by a single board of education. Now if the district system alone is democratic the people of these cities of our state have been deprived of the rights which naturally belong to them as members of a democratic community. Each ward should be a separate district with its own board of directors.[1] They should, therefore, divide these cities into as many districts as there are schools, and the people in the small divisions containing a school should elect their own directors. Why don't they do it? Because they know that in making the entire city a single district they have adopted a system of organization far more efficient than a small district system could possibly be.

3. *Opinions of State School Officers*

[Quoted in *Final Report of Illinois Educational Commission*, pp. 129–131. Names and titles those of 1907.]

Kansas has 13,000 public school teachers and an army of 28,000 officers to direct and manage these teachers — an anomalous condition, and one that means a great waste of energy and a decided lack of unification and coordination in educational matters. A large unit means a more economical and business-like administration. It is the small district and the varying conception of school work that are responsible for most of the weakness of our system. The district plan is apparently the last remnant of the old-time conception of the widest distribution of business, and is at war with every modern thought of classification and organization. — *E. T. Fairchild, Supt. Publ. Instr., Kansas.*

In my opinion, and I find it to be the opinion of the leading educators of this state, the small unit, such as we have in the district, is not producing the results that could be obtained by means of a larger unit. Personally I am strongly in favor of the county unit. My next choice would be the township unit. I am firmly of the opinion that with a township or county unit the net result of our educational effort would be increased fifty per cent. It is not what we put into a system, but what comes out of it, that should count, and hence, as I have before indicated, the greatest question

[1] Many cities once had just this condition, but abandoned it in the interests of better education. One of the main reasons why the cities have developed such strong school systems is that the school system has been treated as a unit.

before the American people is that of a changed unit of administration. We are using a method that is more than one hundred years old, without any change, and for that reason the country schools have not kept pace with the city schools. The city schools have forged ahead because they have used a larger unit for educational purposes. — *J. H. Ackerman, Supt. Publ. Instr., Oregon.*

I am most emphatically in favor of the township system. It makes for efficiency in education which assists materially in consolidation. It brings upon the district school board men of better qualifications; it makes a more satisfactory school, and in this state materially reduces the cost of school management. I think that the objection that it would mean increased taxation is not sound, unless indirectly better schools mean increased taxation. We have 45 counties in our state, 40 of which have the township system and five of which have the district system, and I am sure that it would be greatly to the advantage of these five, educationally, if they could make the change.—*W. L. Stockwell, Supt. Publ. Instr., North Dakota.*

In this state we have both the township organization and the single district organization. The township organization lends aid to centralization of schools, and there is a likelihood of having better school officers in the township system than in the single district system. Local disturbances in the district seem to be more satisfactorily handled by a township school board who are unlikely to be parties to other factional affairs so frequent in the single school district. — *H. A. Ustrud, Supt. Publ. Instr., South Dakota.*

I am very certain your educational commission has acted wisely and in the interests of efficient and progressive school administration, in recommending a change from the district to the township unit of organization. One of the things which most hampers the rural schools of Minnesota is the small school district. — *C. G. Schultz, Supt. Publ. Instr., Minnesota.*

The change proposed from your district system to the township system is unquestionably a step in the direction of the permanent improvement in the organization of your schools. Any territorial unit that is smaller than the township is in almost every interest too weak to provide adequate school facilities for the children. Larger units are, as a rule, stronger units, because of the increased amount of taxable property upon which they rest and the greater degree of intelligence possible in the management of the schools. — *R. B. Cousins, Supt. Publ. Instr., Texas.*

Pennsylvania has always had the township system of managing schools. From the start the schools have been in charge of six directors. In our opinion this results in economy. My notion is that a county system is more economical even than a township system. The superintendent of one county claims that if he could locate the schoolhouses, he could accommodate all the children as well as they are now accommodated and save the salaries of fifty teachers. — *N. C. Schaeffer, Supt. Publ. Instr., Pennsylvania.*

We find that the township system works admirably in New Jersey. It has clearly demonstrated the wisdom of those who were its advocates, and has prepared the way for other reforms. We have been enabled to greatly strengthen our schools in the matter of supervision by the appointment of township supervising principals, and to make a much closer approach to providing "equality of opportunity" for the school children of the state. — *C. J. Baxter, Supt. Publ. Instr., New Jersey.*

By an Act passed at the biennial session of the General Assembly of Vermont in 1892, the educational system of the state was changed from the district system to the town system. Prior to that Act, the towns in their annual town meetings, voted on the adoption of the town system. Each year about 80 % of the voters voted against the system, and at the time the law was made compulsory by statutory enactment there were only 12 towns in the state which had voluntarily adopted the town system. At the biennial term of 1894, an attempt was made in the General Assembly to revert to the district system, but the attempt failed. Since then no attempt has been made to revert to the previous system, and for the past ten years I have known of no attempt to return to the previous condition of administration. The principle involved is that education is a common good; therefore equal advantages should be furnished all, and the expense of maintenance should also be equal. As a result of the town system, there is much better administration of schools, better teachers are employed, and better results are obtained. — *Mason S. Stone, Supt. of Educ., Vermont.*

This state began agitation of the abolition of the district system in 1826 and continued it until the system was finally abolished, root and branch, in 1882. No question has arisen since in regard to the wisdom of the movement, nor is it ever likely to arise. The township is, in the judgment of the people of this state, the only system under which public schools of a satisfactory character can

be maintained. — *Geo. H. Martin, Sec. State Bd. of Educ., Massachusetts.*

We Marylanders think it (the district system) prevents the essential features of uniformity and hinders proper supervision. As it seems to me your people will make a mistake should the township system be disregarded. — *M. Bates Stephens, Supt. Publ. Instr., Maryland.*

This state has had a "township" system of administration of schools for many years. It has proved so satisfactory that there is little disposition to change it. Of recent years there has been some agitation on the proposition to adopt a county limit for taxation, so that the poorer and more sparsely populated communities might have an equal length of term with the richer communities. — *M. P. Shawkey, Supt. Publ. Instr., West Virginia.*

The district school system was abolished in this state only after prolonged agitation and discussion. At the time of the abolition of the district system there was strong opposition to the measure. This opposition continued for a number of years to disturb the schools. However, it is now the very general verdict of our people, and the nearly unanimous opinion of our educators, that the step was one of the most important that has been taken in the direction of progress. Under our former district system the average citizen had little interest in the schools of his town, except in the one located in his own district. This interest of the local school unfortunately often took the form of interference with the details of school management, even to the extent of interference with the rights and privileges of the teacher. Under that system also the distribution of school funds was most unfair, and there could be nothing resembling equality of opportunity so long as it prevailed. Of course, it would be too much to say that the difficulties I have mentioned disappeared entirely with the abolition of the districts, but I believe I speak conservatively when I say that at the present time a much better educational policy prevails throughout the state as a result of the township system. I may add that recently there has been a growing tendency to enlarge the school unit in the direction of making it that of the state rather than the township. I do not believe that in itself the township system is more expensive than the district system. Indeed, it is my opinion that there is greater waste under the latter. It may be true, however, that the disposition to consider the school problems of a town as a whole tends to enlarge the sense of responsibility on the part of the towns toward education, and thus ultimately to increase school

expenditures. I regret that I can give you no exact figures on this point. Of course, our school expenditures have been increasing from year to year, but there is no reason to believe that they would not have increased had the district system continued in force. I feel very sure that any proposal to return to the district system in this state would be met with very general and emphatic opposition. — *Payson Smith, Supt. Publ. Instr., Maine.*

To one like myself who has experienced the change from district to town system of schools in two New England states, the district system seems archaic and absolutely inadequate to meet the requirements of the times for public schooling, in distinction from private education. The district system is only one step from home or private schooling. You can educate efficiently all the children of a town only by having uniformly good schools throughout the town. Under the district system I never knew a town of good schools anywhere, or a town maintaining a reasonable equality of school advantages among different districts. — *W. E. Ranger, Commissioner of Publ. Schools, Rhode Island.*

CHAPTER IX

THE COUNTY UNIT

MUCH of what has been reproduced in Chapters VII and VIII, relating to the substitution of some larger unit of administration for the district system, has indicated the need of making the county the unit for school work, as it is for most other forms of governmental activity. In this chapter some further comments are added, relating more to the office of county superintendent of schools, and a description of the Maryland form of county unit is given.

The first article shows the position and the small powers of the county superintendent of schools in a strong district-system state; the second section presents extracts from official reports, relating to the need for a change in the methods of selecting this official; the third section relates to the advantages of the county-unit and a county board of education; and the chapter closes with characterizations of the county-unit plan, as in force in Maryland and in Georgia. Chapter X contains still more material bearing on county educational organization.

I. THE COUNTY SUPERINTENDENT AND THE DISTRICT SYSTEM

[From Williams, J. H., *Proposed Reorganization of the School System of San Mateo County, California,* Chap. II, Bulletin of the U. S. Bureau of Education, 1915 Series.]

THE PRESENT SYSTEM

There is provided for, by state law, a County Board of Education, "which shall consist of the county superintendent of schools and four other members, appointed by the board of supervisors for the county." These members, or at least a majority of them, must be "experienced teachers, holding not lower than grammar-

grade certificates in full force and effect." The county superintendent is *ex officio* secretary of the county board of education.

The board is required to meet semi-annually, and at such other times as the county superintendent shall deem it necessary to call them together. Each member receives a compensation of five dollars per day and mileage for his services. The following are the powers of the county board of education, as provided by law:

1. To examine applicants for teacher's certificates.
2. To grant certificates to qualified persons.
3. To adopt books and apparatus for purchase by the schools of the county.
4. To revoke certificates to teach.
5. To issue diplomas of graduation from the elementary schools of the county.

California is a district-system state, and the districts, rather than the counties, control educational affairs throughout the state. San Mateo County is divided into thirty-six school districts, twenty-three of which are rural one-teacher schools. Each district by law has a Board of Trustees of three members, elected by the people of the district. Each such Board of Trustees is given almost absolute control over the schools of the district, employing teachers and janitors and determining their salaries, erecting buildings, making repairs, buying land, or carrying out any schemes they may see fit, so long as such are not forbidden by law and provided that they remain within the limits of the funds of the district. For any excess of these funds expended they are personally liable. There are also three union high-school districts in the county, each with a board of five trustees, vested with powers and duties similar to those of city boards of education, and authorized to act independently of other district boards.

The County Superintendent of Schools is elected by popular vote, for a term of four years. He receives a salary of $1800 per year, but with no allowance for clerical assistance of any kind. He is by law given the following duties:

1. To superintend the schools of the county.
2. To apportion the school money to each school district.
3. To visit the schools.
4. To preside over the county teachers' institutes.
5. To issue temporary teachers' certificates.
6. To distribute laws, blanks, etc.
7. To make and keep records.
8. To approve plans for school buildings.
9. To act as Secretary of the County Board of Education.

10. To appoint trustees to fill vacancies, to hold office until the next election.

These duties, as will be seen, are, with the exception of number 1, largely clerical in nature, and could be equally well performed by an office clerk of reasonable intelligence. No unusual amount of preparation or intelligence is required.

In duty number 1, although authorized to "superintend the schools of the county," there are absolutely no powers granted to him consistent with the carrying out of that duty. The County Superintendent, under the present system, cannot determine the site of a school building; rearrange desks or seats; condemn a building on account of the inadequacy of the heating, lighting or ventilation; he cannot select teachers, specify their salaries, direct their method of teaching, or dismiss a teacher for any cause whatever. He cannot require janitor work to be more efficiently carried on, employ additional janitors, or require any school building to be cleaned.

"Supervision of the schools" generally consists in visiting each school once each year, as required by law, and for a period of from fifteen minutes to one hour; in asking several questions of the pupils, generally in the form of an examination in reading or some similar study, for determining whether or not the pupils shall receive the county diploma for graduation; and in meeting the entire teaching body at the yearly teachers' institute. Rarely does the Superintendent ever see or talk with his teachers except on these two occasions.

The following is a true and typical case of the Superintendent's visitation. This was at the Las Lomitas school, a distance of three miles from his office:

10.30 Arrived at school (two teachers).
10.30–10.45 Regular morning recess.
10.45–11.00 Visited Miss C.; second-grade reading.
11.00–11.30 Visited Mr. W., eighth-grade arithmetic. Asked a few questions. Congratulated the school on having installed a new sanitary drinking fountain.
11.35 Left for his office.

This process he is compelled by law, and by the authority asserted by the district trustees, to carry on during each school year. The blame for having inadequate supervision can hardly be laid at his feet. The present Superintendent of San Mateo County is an exceptionally capable man, — an experienced teacher, a university graduate, and a student of school administration; but without being invested with sufficient authority, all his recom-

mendations being left to the discretion of the district trustees, and his office being political, he feels himself powerless to move forward to the extent he would were he appointed and invested with authority similar to that given superintendents in some eastern and southern states.

II. Need of a Change in the Method of Electing County Superintendents

1. *Fundamental Weakness of our Present System*

[State Supt. C. P. Cary, in *Bien. Rept. State Supt., Wisconsin*, 1906–1908, pp. 17–18.]

One of the most important problems connected with the improvement of the country schools is the problem of the supervision of these schools. During the past two years this question has been discussed at the meetings of the Wisconsin State Teachers' Association and at the County Superintendents' Convention. The consensus of opinion seems to be that our present system of selecting county superintendents is radically wrong and should be changed. From 12,000 to 14,000 educational positions are filled in the state each year by boards of education elected by the people; that is, by applying the principle of representative government. However, when it comes to the selection of the seventy-three county and district superintendents the method of electing by direct ballot is still used.

For more than forty years the present system has been in use in the state and it has failed to give us a profession of county superintendents, and never until such a profession exists will the county superintendency be what it should be. If a person secures a position in one of the high schools of the state, he knows that in case he is successful in that school, the reputation gained thereby will enable him to secure a better position, and the same is true with respect to city superintendents. Such conditions are an incentive to our high school principals and city superintendents to do their best. Such conditions also warrant one in looking forward to a successful career in these lines of educational work during all the working years of life, but with respect to the county superintendency these conditions do not exist. Anyone considering the advisability of going into the county superintendency work may rest assured of meeting defeat at the polls in the course of a few years, and when defeat comes his career as a county superintendent ends,

for he is not even eligible as a candidate in any other county or superintendent district. As long as this lack of permanency and lack of opportunity for promotion exists in the county superintendency it will never become a profession, and therefore will not appeal to anyone as a life work.

Again, when a vacancy occurs in a city superintendency or a high school principalship, the board of education in filling it is not confined to candidates who are residents of that particular locality. The board has the right to go even beyond the limits of the state in its efforts to secure the best person that it is possible to secure with the money at its command. Not so, however, in the selection of county and district superintendents, for under the present system the people are compelled in their selection to confine themselves to local candidates, no matter how poorly fitted for the position they may know every one of them to be.

These conditions constitute a fundamental weakness in our present system. This weakness has retarded the country schools in the past, and will continue to retard their progress as long as it exists; therefore, it is to be hoped that the next legislature will provide for the election of county boards of education, such boards to be elected by the people. Such boards of education should select the county superintendents, fix their salaries, provide necessary clerk hire, audit the expense accounts of the superintendents, and do such other work as the legislature, after careful consideration, may deem proper to place in their hands.

2. *The Work of a County Superintendent*

[State Supt. L. D. Harvey, in *Bien. Rept. State Supt., Wisconsin,* 1899–1900, pp. 81–82.]

It must be borne in mind that the office of superintendent of schools is different from any other county office. The duties of every other county officer are definitely and fully set forth in the statutes. Certain duties of the county superintendent are also enumerated in the statutes. He must examine teachers, visit schools, make certain reports, and must conduct an institute in his county each year. Beyond this the statutes do not and cannot properly go. Yet the chief value of the superintendent's services is in work entirely outside of the performance of these duties. His work of supervision cannot be formulated by statute. His work in conducting teachers' meetings, associations, and in general in awakening and organizing the educational forces of the county, are not the product of statutory enactments; but these are the

most important functions of that office. They are functions which are strictly professional in character, requiring either special training, or long experience, and, in any case, a high degree of skill. Everyone must admit that special skill or professional ability in educational work is not best obtained through a popular election. If it could be so obtained, why should not the teachers in each district be elected by popular vote at the district meeting, instead of being appointed by the district board? If it could be so obtained, why is it that in those cities where the best schools are always to be found the city superintendents are appointed, instead of being elected by popular vote? That it cannot be so obtained is no reflection upon the intelligence of the people. It arises from the fact that the great mass of people are fully occupied with the daily business concerns of their own vocations, and do not give the special attention and study to the needs of their educational system that must be given in order to secure its best development. That this last statement is correct is shown by the fact that not one parent in twenty ever visits the school in which his children are enrolled once during the school year.

3. *The County School Superintendent*

[Supt. J. H. Ackerman, in *Bien. Rept. Supt. Publ. Instr., Oregon,* 1911, p. xxi.]

It cannot be said too often that the county school superintendent is at the strategic center of all school operations; and that as he is so will be his schools. If this be true, and there can be but little doubt of it, the office ought to receive more recognition than it has ever had. In a political way it has amounted to little, and ought to amount to less, — for it ought to be an office above the schemes of cliques and beyond the strife of partisans, — but in a sociological way no official position in any county is more powerful either for good or for evil. It reaches with its silent but pervasive influence, whether consciously or not, every home and hearthstone all over the land, and determines, to a greater or a less degree, not merely the moral tone of the home but the practical efficiency as well. It is but a trite statement, then, that these men ought to be the best procurable. By "best" is not meant merely the morally best. Their morals, of course, should be above reproach and unimpeachable. But many may have this qualification and still be utterly incompetent. These men should have, in addition to their perfect moral fitness, professional fitness and competency. They ought to be trained men, not only men who

know but men who know how to do, to lead, to bring things to pass; and in each county there ought to be such a man giving his entire time and thought to the work of organizing schools, directing the course of study, conducting institutes, holding conferences, and developing in the system its tens of thousands of latent possibilities for good, which only a competent man can find.

Such men can be found and kept in the work only by holding up as an attraction for them positions big with promise and bulging with opportunities. Too many superintendents in Oregon have not such positions. There are scarcely half a dozen in the thirty-four counties that a man may hold and live by. This being true, many are held by men who rely in part upon other work or enterprises for a living, giving the affairs of this office but a portion of their time and thought. To spend money for irregular, perfunctory and desultory supervision is grossest extravagance. It must be active, thorough, and skilled if it amounts to anything worth while.

4. *The County Superintendent's Powers*

[Supt. E. B. Denison, in *51st Mo. State School Rept.*, 1900, p. 104.]

The legislature has not failed to provide duties for the superintendent, every one of which duties I most earnestly endorse; but it has surely neglected to provide the proper power or authority for carrying some of them into effect. The legislation needed is not so much concerning the duties of the superintendent as it is his powers. The fact is that the superintendent has little or no authority so far as the actual work with the schools is concerned. He has absolutely no authority over the teachers, and nothing in common with the district boards of directors. Whether or not they cooperate with him in the management of the schools depends altogether on their pleasure in the matter. The superintendent may, through his personal influence with some of the teachers and boards of directors, succeed this year in organizing the work in many of the districts, but by the shifting of teachers and the changing of directors, next year will find much of the work undone or greatly retarded. Our city schools are well organized and have a definite course of study, and the work moves forward in proper order year after year. Why this condition in the city schools and not in the rural schools? It is due to the close cooperation between the city superintendent and his board of directors; he meets and consults with them often regarding the management of the schools, has a voice in the selection of teachers, and is vested with the proper authority for conducting the schools. The city teachers, recogniz-

ing the authority of their superintendent, are ready to carry out his plans. These relations do not exist between the county superintendent, the rural directors, and their teachers; and until they do exist the rural schools will not reach the proper standard. Furthermore these relations cannot exist under the present laws. We need some legislation that will place the superintendent in closer working relations with his teachers and the boards of directors.

5. *County and City Superintendents Compared*

[W. K. Tate, State Supervisor of Rural Schools, in *42d An. Rept. State Supt. Educ., S. Carolina*, 1911, pp. 105, 113.]

I wish once more to emphasize the value of proper supervision in the training of teachers. The city superintendent usually finds a new recruit in his school awkward and inefficient. He must continually assist her in the management of her class and in the improvement of her methods. She progresses rapidly under the right kind of supervision. The country teacher has almost none of this assistance. The sole supervising officer is the county superintendent, employed at a salary which assumes that he is to devote only a portion of his time to this work and responsible for a territory which makes it impossible for him to visit the schools more than once a year. There are counties in South Carolina in which the salary of the county superintendent with 300 teachers in his charge is less than one-half the salary of the city superintendent in the county seat with one-tenth the number of teachers. This is not giving the country children a square deal, and no one who would continue the condition is a true friend of the country school. In my opinion no county can afford a county superintendent who can be secured for less than $1,200 a year, and the county should demand all his time for the schools. * * *

The county superintendent of education is the most important officer in the county. He should be able to plan wisely the educational program of the county, and with some assurance of opportunity to execute his plans. Should we not hedge this office with some qualifications? Is the direct primary every two or four years the best way to select an expert? Should we not have the privilege of hunting our man occasionally, instead of limiting ourselves in our choice to those who seek the position? Should not the county superintendent be the executive officer of the county board, just as the city superintendent is the executive officer of the city board? Can we afford, too, to have the county superintendent the poorest paid officer in the county?

6. *The County Superintendency and Politics*

[From Editorial in *New England Journal of Education*, 1910.]

The county superintendency must be taken out of politics. I said this in an Indiana county the past summer, and an exceedingly bright young man said to me: "Wait till I get in, and then preach that gospel to the limit."

This records the real trouble. It would be a simple matter to eliminate politics if we could eliminate the aspiration of bright young men who have been laying their plans for some time.

Wherever one party is continuously in power the politicalization of the county superintendency is not noticed. In Pennsylvania a man often stays in office from ten to twenty-five years, despite the fact that the office is political. But when there is a political overturn in the county the viciousness of the situation becomes as apparent, as at present in Indiana. There the county superintendent is elected by the township trustees, one from each township; usually fewer than ten compose the county board.

These trustees are elected on a purely partisan ticket. There is no thought of the professional educational aspect of the situation. A man gets on his party ticket, and if the ticket is elected he goes along with it.

Here is a sample county: From time immemorial the county has been going Republican. There are nine townships, which means nine voters for the superintendent. The present superintendent is universally appreciated and admired by the teachers and by all educational interests in the county. Every principal and township superintendent would sign a petition for his retention in office. It is the universal judgment that he is the best superintendent the county has ever had, but, at the election in 1909, the state went Democratic. The governor, the congressmen, the legislature went Democratic, and that carried this county in common with others, and five of the nine directors are Democrats, and the chance of his re-election is a negative quantity. The five Democrats say emphatically that he is the best man for the place, that they would like to vote for him, but they were elected on a party ticket, and the party expects them to do their political duty. How long will this thing be allowed to continue?

III. Need of a Larger Administrative Unit

1. *A Larger Administrative Unit Needed*

[State Supt. J. H. Ackerman, in *Bien. Rept. Supt. of Publ. Instr., Oregon,* 1911, p. xxii.]

From the beginning of the organization of the public school system the school district has been the smallest administrative unit. It met the needs of a people who were working under comparatively primitive conditions and probably accomplished its purpose as effectively as could be reasonably expected. The question is now being seriously considered as to the advisability of enlarging the present administrative unit to meet the needs of our present civilization. It is a matter of common knowledge that in other lines of human effort the tendency is strongly toward combination and centralization, to the end that more effective work may be more adequately dealt with and the details may be more definitely planned and executed.

The question of supervision is a vital one. In the county superintendency we have the beginnings of a complete and effective system of supervision. We must perforce use the county unit to secure the desired results. We must adopt the system now in vogue in our cities to all parts of the county, excluding only the cities of the first class. The problem can best be solved by making the county the major unit in so far as there shall be one head, and then have a sufficient number of subdivisions of this major unit, with an assistant superintendent in charge of each subdivision working under the advice and direction of the county superintendents. There should be a sufficient number of such subdivisions, so as to secure as efficient supervision as is secured in city systems. The county superintendent should have a voice in the selection of all teachers, to the extent of having a vote in the selection or dismissal of a teacher. He should also have a voice in the making and executing of all rules and regulations for the government of the school. This would make the county supervision effective. To the extent of the selection of teachers and the supervision of instruction we are introducing the principle of the county unit without running the risk of introducing partisan politics into the schools, — the gravest objection that can be urged against the plan of placing the full control of all the schools of a county under one board.

The smaller unit, the district, can safely be entrusted with

other administrative powers, such as building and repairing. Thus again we are employing the combination unit — county and district. This does not preclude the idea of consolidation of districts when at all practicable, and which should be encouraged by all legitimate means.

2. *The County as a School Unit*

[State Supt. W. T. Carrington, in *55th Mo. State School Rept.*, 1904, p. 9.]

In civil and local government, township organization is not popular. It is considered expensive; good service is not secured. One thousand clerks, assessors, collectors, and trustees are too many for a state. Township officers are less competent than county officers. There is not enough to do, and not enough responsibility to develop efficiency. So it is in school matters. The little sub-district does not command sufficient attention to insure competent management. The consolidated district or township organization is good, but county organization would be better. Were it possible to have all taxes levied by counties, all schools of the county supported out of a common fund apportioned by a county board and a certain part of it devoted to high schools controlled entirely by this county board, we would approach that much-desired end, — equal taxation for school purposes and equal school opportunities for all children. This county board could be entrusted to employ a county superintendent, and to exercise a general supervisory power over all the schools of the county. The present State Superintendent will, perhaps, not see such an organization effected; but it will come sometime.

3. *Recommended Legislation*

[State Supt. W. T. Carrington, in *57th Mo. State School Rept.*, 1906, p. 5.]

Provide for efficient supervision of rural schools. Give every county a school supervisor. For large and populous counties provide at least one assistant. Fix the qualifications high and safeguard the selection so as to put only trained and experienced teachers in the position. Better not have it than to fill it with timeservers and persons lacking in scholarship, leadership, and pedagogical training. Fix the salary high enough to command the

best talent, and demand results. Make the duties of the office more administrative and pedagogical than clerical. Give this county supervisor authority to nominate teachers and transfer them, such as is given to city superintendents. Constitute a special county board, composed of business men, to employ a supervisor on merit, as one who would build a good house would employ an architect to make plans and superintend its construction. Do not shift the responsibility to the people to determine whether they want such a position. It should not be treated as an office. It should be filled by the employment of an expert to perform technical duties.

4. *The Advantages of a County Board of Education*

[From the *Final Rept. of the Illinois Educ. Com.*, 1909, pp. 95–96.]

The general purpose to be served by a county board of education is to assist the county superintendent in carrying out his educational policies and in the performance of the work necessary to operate the general educational system of the state. The county board bears about the same relation to the county superintendent as does the state board to the state superintendent. County boards, it would seem, are needed to complete the educational administrative system of the state. They would extend that system from the general supervising agencies at the capitol of the state and at the county seat to the remotest rural districts. They would serve as an avenue of communication between the various educational authorities of the state and the people of each township.

But it is not for the sake of systematic state organization alone that county boards of education should be constituted. They may be made the direct means of increasing the general efficiency of the schools and the school system of the county. The county superintendent has general supervision of the schools of the county as the superintendent of public instruction has general supervision of the schools of the state. For practically the same reasons which make it advisable to have a state board of education to assist the state officer in the performance of his duties it is also advisable to have a similar body to assist the county superintendent in directing and improving the work of the county schools. The county superintendent is required "to labor in every practicable way to elevate the standard of teaching and improve the condition of the common schools of his county." Now, it would be of the greatest assistance to him when he has devised plans looking to

this end to be able to call together the county board, explain to its members his ideas and policies and secure their coöperation in carrying his plans into effect. It would be necessary, of course, for him to convince the members of the board that his plans are wise and expedient, but if he is unable to persuade them that what he proposes to do is calculated to promote the welfare of the schools, it will be evidence that his plans are untimely or at least that they need modification. If on the other hand, he is able to develop in the county board an active interest in school administration and school teaching he will have at his command a strong force to bring into operation in the development of public sentiment favorable to advanced ideas in regard to the conduct of schools. It will be well for him and for them to meet at intervals to discuss educational needs, problems and expedients, and the benefits derived by them from exchange of ideas and opinions would be reflected in the welfare of the schools.

It is not alone, then, as an avenue of communication and a means of developing public sentiment in favor of wise educational policies that county boards are desirable. Their members would be the direct agents of the county superintendents in promoting the efficiency of the schools. Moreover, there are certain definite powers and duties which are usually assigned to them by law. Among these are the power to adopt and enforce rules and regulations for the management of schools not inconsistent with the regulations prescribed by the state board of education; to direct what branches of study shall be taught and what text books and apparatus shall be used in the several schools; to prescribe a uniform series of text books and to enforce their use in the schools over which they exercise control; to select the books for district libraries and in general to coöperate with the county superintendent in devising and carrying out plans for promoting the educational work of his county.

IV. The Maryland Form of County Educational Organization

The Maryland form of county educational organization represents a good type of the county-unit for school administration. This form of organization, with variations in details, is found in a number of the Southern states. For details as to its organization see the *School Laws of Maryland*, chapters I, II, IV and V. For laws relating to other county-unit

organizations, see the school laws of Louisiana, Florida, and Utah.[1]

One of the Maryland county systems has recently done rather remarkable work, and the following article, dealing with the possibilities of the Maryland county-unit form of organization, was written as a comment on the published statement that the county superintendent of this county had been offered the city superintendency of one of our large city school systems.

Possibilities of Maryland's School Organization

[By J. Montgomery Gambrill, in the *Baltimore Sun* of January 9, 1914.]

The thoroughgoing county organization of the school system of Maryland is all but unique, and offers splendid possibilities that only a very few of the counties of the State show any signs of recognizing. It is common in all sections of this country for the urban communities, even in many cases those of 3,000 or 4,000 inhabitants, to have separate school systems, each with its own administrative and supervisory officials. Village and semi-rural communities too poor for even a part-time superintendent frequently elect a school board and manage after some fashion their own affairs. As a result the county superintendent is usually little more than an executive clerk with merely nominal supervision over a few small districts, or he is, perhaps, in charge of a purely rural community which is unable to do much for itself even if it were advised free of charge by a more competent superintendent than it can employ. It is easy to see, then, why relative feebleness and inefficiency should exist in a large proportion of school systems outside cities of at least moderate size, and why ordinarily the drift of the more efficient professional people is toward the cities. Yet the education of these village and rural communities is a matter of vital importance from every point of view, a prime factor in the much-discussed problems of rural life.

The Maryland plan, however, provides the strength of union. By uniting in one system all the rural and urban communities of a large county like Baltimore, Allegany, Washington or Fred-

[1] Also see CUBBERLEY, E. P., *State and County Educational Reorganization*, Chaps. II and III and Appendix D, for the detailed working out of a plan for changing from the district to the county-unit system of school administration.

erick, ranging from rural districts and small villages to cities of 10,000 to 40,000 inhabitants, public education rests upon a vastly stronger basis, financial and social. It becomes possible to provide for each of these communities an expert professional service much beyond what it could pay for alone (except in the case of a few of the larger cities, perhaps). Imagine any one of these counties split up into three to five or six school systems and all except the urban subdivided again, each looking out for itself, and you have a picture of the other state of affairs.

Fortunately a few of the counties of Maryland in recent years have shown a dawning consciousness of what might be done under this excellent plan of county units of administration and control. For various reasons Baltimore county has gone much beyond any other, and since it is the superintendent of that county who has come to be professionally known beyond the bounds of the State and the loss of whose services is threatened, the results there may appropriately be summarized. The school authorities have gradually built up a very interesting and efficient organization and have brought together a supervisory body much above the average in competence. There is the usual supervision of grade work and special subjects common in city schools; there is a specially trained supervisor of rural schools; 15 or 16 persons are devoting their time as supervisors or special teachers to home economics and manual and industrial work. The spirit animating this supervision is one of constructive helpfulness. It is loyally supported by the teaching body, which seems to be quite free from ugly spirit or warring factions. Such professional duties as the selection of textbooks and the preparation of courses and methods of study are left wholly in professional hands. The coöperation of the people, essential to the financial and moral support of such a system, has been secured and maintained.

Now, the point to be strongly emphasized is that there is no genuine promotion in going from such a system of county education to a city system. The ordinary standards of comparison as between cities and counties evidently do not fit. Indeed, the Baltimore county problem is the more complex and difficult and offers wider scope for personal and professional ability. That being the case, why should the superintendent of such a county be called upon to consider a change of the kind now under discussion? Should not the county position be given suitable recognition and dignity by providing an at least equal salary? Should not other Maryland counties spend a great deal more than they are now spending on supervision?

Can Baltimore county afford to pay $5,000 to $6,000 to a superintendent of schools? There is no doubt that it can. A comparison of school salaries will show this clearly enough. Incidentally it is said that the county recently offered a salary of $5,000 to try to retain the services of a road supervisor. In giving population figures I shall use the census of 1910, giving round numbers that are close to exact. For reasons already indicated, it would be absurd to use county salaries as a measure; the Maryland county is virtually a municipality for school purposes, and we must make our comparisons with cities of somewhat corresponding population. Our point of departure is a population for Baltimore county of 125,000 and a salary for the superintendent of schools of $3,500.

If we pick out the three or four cities nearest in population to this county we shall find: Birmingham, Ala., $5,000; New Haven, Conn., $4,500; Omaha, Neb., $5,400; Dayton, Ohio, $5,000; Scranton, Pa., $5,000. These run, it will be noticed, from $1,000 to $1,900 higher than the Baltimore county salary. Only one city of such a group — Paterson, N. J. — has a salary no higher than that of the county. Turning now to salaries that do correspond and excluding the exceptionally high and low, one finds the following examples:

Auburn, N. Y.	35,000	$3,500
Oklahoma, Okla.	64,000	3,600
Johnstown, Pa.	56,000	3,500
Fort Worth, Texas	73,000	3,600
Bay City, Mich.	45,000	3,500
South Bend, Ind.	54,000	3,700
Dubuque, Iowa	39,000	3,600

These cities average less than half the population of Baltimore county and present problems much less difficult. Nor are they extreme examples. As many cases could be quoted of higher salaries for work of the same magnitude. For example:

Wilkes-Barre, Pa.	67,000	$4,500
Akron, Ohio	70,000	4,000
Yonkers, N. Y.	80,000	5,000
Bayonne, N. J.	56,000	5,000

Furthermore, there are many small cities, much smaller than those mentioned above, and only a mere fraction of the size of Baltimore county, that pay as large or larger salaries. Note these:

Montclair, N. J.	22,000	$6,000
Nutley, N. J.	6,000	3,500
New Rochelle, N. Y. . . .	29,000	5,000
Miles City, Mon.	4,700	3,200
Phœnix, Ariz.	11,000	3,500
Pasadena, Cal.	30,000	5,000

Observe that the total population of these six towns is substantially less than that of Baltimore county and that they pay in all $26,200 to their school superintendents. The distinctly urban population alone of Baltimore county far exceeds the combined population of Montclair and Miles City, which together pay $9,200.

Such comparisons could readily be extended, but the facts already given certainly show that Baltimore county can afford to pay a superintendent of schools at least $5,000 and that some other Maryland counties are far from using their resources liberally for the support of education. The point might be made that if ability as well as necessity be considered the taxable basis as well as the population must be taken into account. This is true, but if the most liberal allowances are made the proposition will remain no less clearly established. At the same time it must be remembered that the county problem — the kind that we are now talking about — really demands a better equipment than does the ordinary urban problem.

In this article I have done little more than point out the special character of the Maryland county organization, with the splendid opportunities it gives, and the readiness with which the counties might spend a great deal more money for the employment of professional skill adequate to the development of those possibilities. There are many other important factors in the problem if time and space permitted their treatment here. Suitable academic and professional qualifications for the office of county superintendent should be established by law. A minimum salary might be established by statute; a New Jersey act of 1912 establishes a salary of $3,000, notwithstanding the fact that all important cities and towns have superintendents of their own. The power of district school trustees to appoint principal teachers is a relic of the decentralized plan that has no place under the county organization and is only a hindrance and nuisance to an efficient superintendent. There is the question whether some of the smaller and weaker and more purely rural counties of the State might be joined in larger administrative units in order to obtain the advantages that are open to the larger counties like those referred to in the foregoing paragraphs. The law which now explicitly

requires the Governor of the State to recognize party politics in making appointments to school boards should be changed, and the appointing power charged with the responsibility of ignoring partisan and political affiliations. The present miserably inadequate provisions for the professional education of teachers should be increased and vastly improved. And inseparably connected with all this is the problem of stronger State organization. Maryland may well study the strong centralized organization, with a State School Commissioner at $10,000, provided for the neighboring State of New Jersey under the Governorship of Woodrow Wilson.

V. The County Unit in Educational Organization in Georgia

[Evans, L. B., Supt. of Richmond County, Georgia, in an address before the Dept. of Superintendence of the N. E. A., 1896.]

This address, made nearly twenty years ago, describes a system of county educational organization greatly superior to that to which our Northern states have as yet attained. If we succeed in developing as efficient an educational organization within the next decade or decade and a half we shall be indeed fortunate.

The educational thought of our time has been chiefly directed toward the improvement of city school systems. So we hear of the great schools of Boston, Chicago, New York, Cincinnati and Philadelphia, and a score of other places. The emphasis of our thought has been placed long and devotedly on city schools, at the expense of the rural schools. * * *

It is quite time that we change the emphasis of our study, turn aside from the contemplation of the excellences of the city schools, and consider the necessities of the rural schools. The wisest policy is to frame some educational scheme that will keep people in the country, that will stop the exodus from the farms, that will make the rural people content, and that will make them enlightened and prosperous.

I believe very firmly that the *county, or township, is the proper unit of educational organization.* If one system of schools can be made to extend over a whole county, including city and villages, the organization will be upon the basis of territory. By this means the entire country can after a while be brought under uniform organization. So long as the organization is by cities,

we merely organize by locality, which can never be uniform or entire. It will always remain a one-sided development. A proper policy is to induce the people hereafter to organize by area, rather than by spots. The effect of this will be to give to the rural child the same school advantages as to the city child, and there is every reason in equity and good sense why these advantages should be the same.

I come from an illustration of this kind of organization, and it may not be amiss to tell something of the schools of Richmond County, Georgia, in which county is situated the thriving city of Augusta. Here, for the past twenty-five years, has been in operation what is known as the county system.

One board of education, composed of representatives elected by the people for a term of three years, one-third of the membership expiring every year, has charge of the entire school interests of the City of Augusta and of the County of Richmond. This board of education has the unique power of levying a school tax directly upon the people of the county, without revision by any other authority, and without any limit as to rate or amount. The school tax is levied and collected as a uniform rate upon all property of the county, whether it is in the city or out of it. This forms the general school fund of the county, supplemented by the state appropriation.

When it comes to the distribution of the fund no regard is paid to the amount raised by any ward of the city or any district of the county, but the fund is distributed according to the necessities of each ward and district, determined by the number of children to be educated. The school fund of the whole county is raised by a tax on all property of the county, and is distributed upon the basis of the school population of each community. Thus it happens that a community rich in naught else but children will get a flourishing school paid for by their wealthy but less fortunate neighbors.

As a matter of fact, a large part of the money paid by the city is annually spent in the rural districts, for the city has nine-tenths of the taxable property, but only three-fourths of the school population. So it happens that the rural schools may pay one-tenth of the school tax and receive the benefit of one-fourth of it. Augusta has spent in the past twenty years the sum of two hundred thousand dollars, in building schoolhouses and paying teachers for the children who live in the country districts around her. Augusta has shown her faith in the proposition that every city needs to be environed by an intelligent, industrious, and contented population.

When it comes to teachers, the same qualifications are demanded

for rural schools as for the city schools. Upon the regular examination terms, and upon the issuing of licenses to teach, an applicant does not know whether he will teach in the city or out of it, and to many it is a matter of indifference. And I know whereof I speak when I say that there are young women graduates of normal colleges doing high-grade work in country schools ten miles beyond the limits of the city, and doing it happily and cheerfully. We firmly believe in the further proposition that a country school is entitled to as good a teacher as a city school, and that those who live in the fields are as deserving of education as those who dwell beside the asphalt. Carlyle must have had a country child in his mind when he said, "this I consider a great tragedy, that one soul should remain in ignorance that had capacity for higher things."

The teachers are treated as nearly alike as can be. City and country teachers are paid about the same salaries. They get it at the end of every month, and on the same day. The certainty and the regularity of a fixed compensation create a sense of security, safety, and comfort in a teacher, and accordingly increases his efficiency. No teacher can do his best work when he works at starvation rates, is paid once in three months, and often in scrip that he must discount. There is much philosophy also economy in the maxim that advises us to pay a public servant well and watch him closely. So we draw no distinction of locality. First-class work is worth as much twenty miles from town as it is in the heart of the city.

The schools of the county are run nine calendar months. They all begin at the same time and close at the same time. During the last year every child of the county, regardless of where he lived, was offered nine months of actual tuition.

So far as schoolhouses are concerned, these are located in rural districts, so as to be on an average of four miles apart. No child is out of walking distance of a school, open nine months in the year and taught by a good teacher. These houses are owned by the county board of education, and cost from three hundred to twenty-five hundred dollars each, according to size and equipment.

One superintendent has charge of all teachers in the county. The same degree of efficiency that should attend the supervision of city schools is likewise extended to the country schools. One expert for all is the theory, and, as far as human effort can avail, it is carried out in practice. The same course of study is prescribed for all pupils, and the same course of professional reading is required of all teachers. The teachers of the city schools meet for instruction once a week, the teachers of the country schools

once a month, and in addition have a one week's institute, in the summer months.

This, in brief, is the outline of the plan of organization of the schools of which I assumed charge thirteen years ago. That it has its defects of management and its grave faults I am prepared to admit. These I need not enumerate at this time. Suffice it to say that no one knows what they are, and that they are, more surely than do I. What institution devised and controlled by an imperfect humanity is without the faults that are incident to us as men? That our system is projected upon the proper theory, for all our population, and for all the boys and girls under our tuition, I firmly believe.

There are two other systems in Georgia organized upon a similar plan, one for Savannah and the County of Chatham, and the other for Macon and the County of Bibb.

CHAPTER X

THE RURAL SCHOOL PROBLEM

This is only another phase of the problem of county educational reorganization. In attempting to solve the difficulties which present themselves to those interested in improving rural education, a number of devices and plans have been tried, some of which will be illustrated here.

One which has been tried, with some good results, has been that of the approval and standardization of rural school buildings. Illinois and Missouri have tried this device, with some success. The nature of the device is well shown by the following statement and score card, taken from the Missouri State School Report.

I. The Approval of Rural Schools

[From the *63d An. Rept. Supt. Publ. Instr., Mo.*, 1912, pp. 35–37.]

The first plan for the approval of rural schools was promulgated in 1909. It led at once to increased interest, on the part of many communities, in the grading of the school, in attendance, and in better buildings and grounds. Nearly three hundred schools have been placed on the approved list, and many others are taking such steps as will lead to their approval in the near future.

Before a school will be approved it must comply with the following requirements:

(1) The term must be at least eight months in length.

(2) The teacher must hold a certificate higher than a third grade county.

(3) The salary paid the teacher must be at least forty dollars per month.

(4) The board must have complied with the library law, Sec. 8186, R. S., 1909.

(5) The State Course of Study must be followed.

(6) The organization and classification of the school must be definite and systematic.

(7) The instruction and discipline must be satisfactory.

(8) The school buildings, grounds, and outbuildings must be adequate, cleanly, and sanitary.

(9) The room must be heated by other means than radiation.

(10) The teacher must be a regular attendant at county and township meetings.

(11) A satisfactory program of recitation and study periods must be posted conspicuously.

(12) A total credit of 80 points out of a possible 100 must be earned.

It is, therefore, suggested in order that rural-school approval shall mean something, that the State offer a bonus of, say $20 a year to each district that maintains an approved rural school. This could well be done and the districts should then continue to improve by additions to the library, furnish apparatus for teaching agriculture, etc. * * *

When new schoolhouses are built, separate cloak rooms should be arranged for boys and girls.

All books purchased for the library should be from lists given after each subject in the Course of Study. Every good library should contain not only these books, together with supplementary readers and necessary reference books, but also the books of the Pupils' Reading Circle.

Below is the score card used. The teacher will do well to study it carefully that her school may be brought up to the standard.

Scale of Points	Possible Score	Points Allowed
Condition of School Building — 20 points		
Outside, well painted, well preserved	4	
Inside, walls plastered, painted or papered, clean	3	
Light, windows arranged properly, and provided with shades	4	
Ventilation, provisions for lowering windows at top	4	
Floor, tight, smooth, and clean	2	
Heating, by good stove properly jacketed and located, or by furnace	3	

Scale of Points	Possible Score	Points Allowed
Apparatus and Equipment of Building — 17 points		
Blackboard, smooth surface of slate, liquid slating or painted board, easily reached by smallest pupil	2	
Desks, well preserved and well adapted to the sizes of the children	3	
Teacher's desk and chair, suitable to use	1	
Pictures, carefully chosen and arranged	1	
Bookcase, well made, and provided with lock and key	2	
Maps of county, state, U. S., and in good condition	1	
Globe, carefully selected, and in good condition	1	
Charts, adapted especially to beginning grades	1	
Library, books chosen so as to meet needs of pupils (At least a dictionary)	4	
Broom, erasers, individual drinking cups, etc., in good condition	1	
Grounds and Outbuildings — 13 points		
Grounds, well-shaded, drained, fenced, good size, and neatly kept	4	
Cistern, good walls and top, with pump and conveniently situated	5	
Outbuildings, strongly built, properly situated, nicely painted, and well kept	4	
Course of Study and Organization — 25 points		
Course of study, State and county followed	5	
Graduation, uniformity	5	
Number of recitations, not exceeding 24	3	
Quarterly and final examination questions used	2	
Agriculture taught in the higher grades	3	
Attendance, regular, and prompt	4	
Tardies, few or none	1	
System of records, well kept and accurate	2	
Teacher, The — 25 points		
Certificate, second grade or higher	3	
Salary, $40 per month or more	2	
Associations, county, township and state attended regularly	2	
Instruction, careful and accurate	8	
Discipline, kind but firm	6	
Reading Circle, member of, for present year	2	
Reports to district clerk and county superintendent promptly made	2	
Total points	100	

A school is held on the approved list but one year at a time, and must be reinspected to see that all the requirements are fully met each year. So long as these requirements are met, the school continues on the list, but when it fails in any one requirement it must be omitted. It is to be regretted that several schools have been dropped from the list this year, owing to a failure to comply with the standard.

II. Some Rural School Difficulties

The difficulties which the one-teacher rural school has to contend with are too numerous to be more than slightly helped by such approval, useful as it is in itself. The following statement of "The Situation in Texas," taken from a bulletin issued by the University of Texas, illustrates well some of the difficulties with which the one-teacher school has to contend.

The Situation in Texas

[From Bedichek and Baskett, *The Consolidation of Rural Schools*, Bul. 43, Univ. Texas, 1904.]

With over 6000 one-teacher white schools, with more than 600 schools enrolling less than twenty pupils, and over 100 enrolling less than ten, Texas would seem to offer a large field for Consolidation of Schools. If, in connection with this fact, one but considers the utter absence of equipment and the interminable list of lessons which must be heard each day by the teacher in each of the one-teacher schools, the need for consolidation becomes too obvious for discussion. For the enlightenment of those not familiar with the hopeless task now set many of our rural teachers, we give here two samples of the daily programs in actual operation.

A Milam County One-teacher School, Daily Program

Singing	8.45 to 8.55.
Roll call	8.55 to 9.00.
Spelling class, A	9.00 to 9.05.
Spelling class, B	9.05 to 9.10.
Chart class	9.10 to 9.20.
First Reader	9.20 to 9.30.
Higher Arithmetic	9.30 to 9.45.
Lower Arithmetic, No. 1	9.45 to 10.00.
Lower Arithmetic, No. 2	10.00 to 10.15.
Recess	10.15 to 10.30.
Chart class	10.30 to 10.35.

First Reader	10.35 to 10.45.
Second Reader	10.45 to 10.55.
Civil Government	10.55 to 11.05.
Third Reader	11.05 to 11.20.
Fourth Reader	11.20 to 11.35.
Texas History	11.35 to 11.50.
United States History	11.50 to 12.05.
Noon recess	12.05 to 1.05.
Number class	1.05 to 1.15.
Chart class	1.15 to 1.25.
First Reader	1.25 to 1.35.
Elementary Geography	1.35 to 1.50.
Grammar School	1.50 to 2.00.
Physical Geography	2.00 to 2.15.
Second Reader	2.15 to 2.25.
Hyde's Language Lessons I	2.25 to 2.40.
Hyde's Language Lessons II	2.40 to 2.55.
Recess	2.55 to 3.10.
Chart class	3.10 to 3.15.
First Reader	3.15 to 3.25.
Physiology 2d book	3.25 to 3.40.
Physiology 1st book	3.40 to 3.50.
Spelling, B	3.50 to 3.55.
Spelling, A	3.55 to 4.05.
Writing, whole school	4.05 to 4.20.

A total of thirty-two lessons, ranging from A B C's to Physical Geography and Civil Government.

Another one-teacher school program in daily operation:

Writing, 8.50 to 9.00.
U. S. History.
Texas History.
General History.
First Reader.
Second Reader.
Third Reader.
Fifth Reader.
Recess, 10.20 to 10.30.
Higher Arithmetic.
Third Arithmetic.
Second Arithmetic.
First Arithmetic.
Grammar (Sisk).
Grammar (Hyde).
Language.
First Reader.
Noon recess, 12.00 to 1.00.
Rhetoric.
First Reader.
Physiology (Conn).
Physiology, Lower.
Physical Geography.
Second Reader.
Third Reader.
Political Geography.
Elementary Geography.
Higher Algebra and Elementary Algebra (at same time).
Recess, 2.50 to 3.00.
First Reader.
Civil Government.
Geometry.
Higher Speller.
Second Speller, definitions.
Dismiss, 4.00 P.M.

Here is a teacher actually attempting to teach each day: three different history classes; nine reading classes; four arithmetic and two algebra classes; two grammar, one language, one rhetoric, and two spelling classes; two classes in geography, and one in physical geography; two classes in physiology and one in civil government; making a total of thirty-one classes, covering almost a complete primary and grammar school curriculum with a few high school subjects added. The task is manifestly an impossible one. It is from three to five times what is expected of good teachers in our best city common schools, where usually only one grade is taught by one teacher, or in the high schools, where one teacher usually teaches only one, two or three subjects.

The above daily program gives no exaggerated impression of the difficulties usually present in the one-teacher schools.

III. The Consolidation of Rural Schools

The movement for the consolidation of rural schools has been of much more fundamental importance as a means of solving the rural-school problem, and rather remarkable results have been achieved in a few states within the past twenty-five years. While more or less attempted in almost all of our American states, it is only in the township-unit or the county-unit states that the plan has met with any marked success. The movement, west of the Alleghanies, began in Ohio in 1892, and the following report of an investigating committee, sent out by the Michigan State Grange in 1900 to visit and report on the Ohio schools, describes the usual conditions and results. The report of the committee is quite long, and is given in full in the *Report of the State Superintendent of Michigan* for 1901, pp. 26–30, but the following extracts from the report illustrate both the methods of work and the findings of the committee.

Report of the Michigan State Grange

1. Madison Township, Ohio

The superintendent of the schools of Madison township assured us that "the experiment of centralization was no longer an experiment, but had come to stay, and that as soon as suitable buildings could be secured large enough to accommodate the pupils, all of the districts would be brought into central schools." The people

of the individual districts are demanding to be centralized, the opposition to the plan has long since died out; yet in the beginning the people were quite evenly divided, and a bitter controversy ensued. This fact your committee found to be the general condition, that wherever the plan was proposed it met at first with determined opposition but, once started, the objection melted away, and the population affected were equally averse to going back to the original districts. This was the testimony at every place visited by your committee.

In this township we visited each school, and met and talked with the drivers of the wagons. We took pains to meet at their homes a large number of the farmers, and from that source gathered a mass of information, which can best be compiled in a few true statements.

No one was found who for any reason desired to go back to the subdistricts. There were many who acknowledged having originally opposed centralization, but were now among its strongest advocates. The enrollment of pupils is increased upwards of 20 per cent, while the average enrollment for last year was 96 per cent of enrollment; this is a result of transportation. The people usually are agreed that especially with younger children there is less sickness because of less exposure. No accidents have ever occurred with their wagons. Very much depends upon the driver. As much care should be exercised in the selection of drivers as of teachers.

The wagons were usually covered and made comfortable with robes, soap-stones, and in some instances, oil stoves. In this township not a single instance of complaint against the plan of conveyance could be found. The distances ranged from two to four miles, and at an average cost per wagon of $1.30 per day, with an average load of fifteen pupils. The drivers say that the children seem to enjoy the ride, very seldom give any trouble, are never tardy, have no wet feet or clothing, and are very regular in attendance.

Mr. Corlett, a member of the board of education, who at first was a very strong opponent of centralization and transportation but who is now equally as enthusiastic, says that the township shows a lessened cost as compared with the old system.

Mr. DeForest, one of the heaviest tax-payers of the township, says he does not notice any particular difference in his school taxes, but thinks that much of the success of the plan is due to the good management of the township board of education, and to the energy, ability, and enthusiasm of the township school superintendent.

In one of the centralized districts, originally three districts, the roads are very bad — heavy hills and sticky clay: still the driver reports but one day missed during the year, and that because of heavy snow drifts. The teacher reports the average attendance very good; quite a number of the pupils have been neither absent nor tardy during the year. The three sub-districts had previous to consolidation an enrollment of 21 pupils, or an average of 7 per school, and a per-capita cost of $45; there is now in the one school an enrollment of 35 pupils, and a per-capita cost of $15.50.

2. *District Jealousies*

The next place visited, Kingsville, is a small village two miles from the railroad, has a township high school, and to this school are conveyed all of the children of the township, except those of a special district at North Kingsville. The school has about 200 pupils, with six teachers and six wagons for the conveyance of about 100 pupils. There were originally nine district schools with twelve teachers, now the one school with six teachers, besides the special district at North Kingsville. Careful inquiry elicited the fact that were it not for the jealousy between the two small villages there would have been but one school, and it was generally conceded that the work done at the central school was very much the best. The school year is nine months. From the township clerk we learned that there was a saving to the township during the first four years of nearly $1000, but since 1896 there has been an increase in the taxation of about 20 per cent over that of the former period. The salaries of teachers are higher, the teamsters receive from $1.00 to $1.50 per day, according to the length of routes. Talking with the drivers we ascertained that they also act as daily mail-carriers. Here, too, we failed to find any people who desired to return to the old conditions. Quite a number asserted that, were they obliged to return to the district plan, they would move elsewhere.

While in Ohio we learned that there was some difficulty with the schools of Starke county, and on returning home letters were sent to New Baltimore inquiring the facts. The replies received were all of the same tenor. Mr. J. B. Bryan writes: "We had for three years a centralized school under control of township board, three subdistricts being abandoned and conveyed to the village of New Baltimore. This was just half of the township. The cost including conveyance was less than under the district system. We had a van for each district abandoned. Drivers were paid from $1.35 to $1.50 per day. Our roads were very bad a portion of the

spring, otherwise quite good during the season. No days were missed, not were the wagons ever late. Generally speaking the patrons of the school were well satisfied. The attendance averaged 120, with no truancy and no tardiness. But the other four districts, seeing that we had some advantages that they were not participating in, were jealous and voted us out. The principal objections were that the children had to leave home a little earlier and got home a little later."

IV. Consolidation in District-system States

The usual method followed in attempting to form consolidated districts, in district-system states, is to look over the map of the county and find a group of districts, properly located and with sufficient taxable property, and probably favorably inclined, and then to try to induce such to vote to abolish their district schools, and to create instead a central consolidated school. The following studies are illustrative of this plan:

Rural School Consolidation in Missouri

[From Kunkel, O. L., and Charters, W. W., *Rural School Consolidation in Missouri*, Bul. Univ. Mo., Educ. Series, Vol. I, No. 2, 1911, pp. 3; 22–28.]

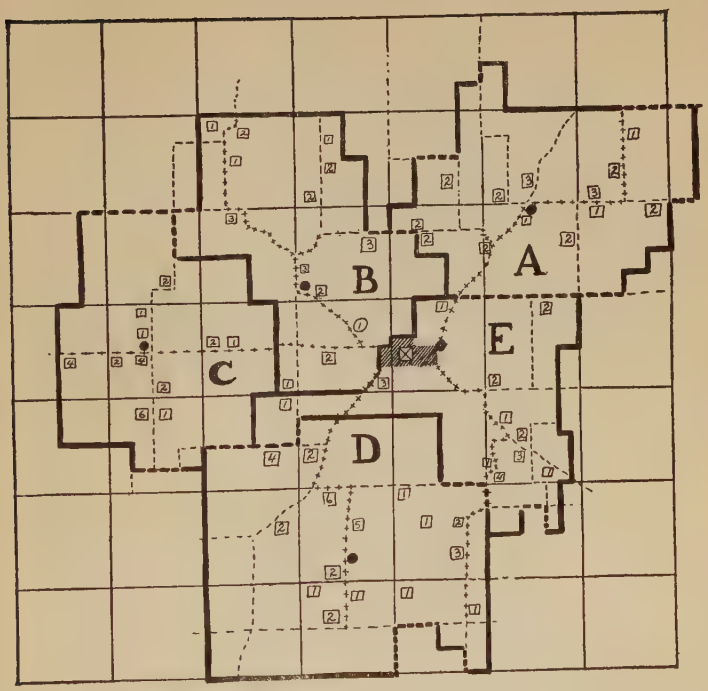
CASE I

The following is a study of a group of districts showing one method of handling the facts. The plan on the opposite page shows: —

(1) Boundaries of school districts
(2) Roads
(3) Number of children in each house on each road
(4) Proposed transportation routes.

I. Assessed Valuation. — In this group there are five districts with an assessed valuation as follows:

A	$35,030
B	97,850
C	48,190
D	73,010
E	111,755
Total	$383,835



Proposed Consolidated District

This assessed valuation will be of interest in connection with the following table of high schools accredited to the University of Missouri showing the numbers in relation to assessed valuation.

Number of accredited high schools with an assessed valuation of

Less than $250,000	7
Less than $300,000	17
Less than $350,000	23
Less than $400,000	29
Less than $450,000	40
Less than $500,000	52

These are town schools and do not have to transport children. If we allow for transportation, the $383,835 assessed valuation of this district will be about the equivalent of $290,000 in a town district. And there are of such districts 17 which have accredited high schools (about 12 per cent of the high schools of the state).

	Total Enumeration
A	33
B	39
C	38
D	35
E	68
	213

This means that under the law this district may organize as a town school district, having as it does over 200 children of school age (R. S. Mo. 1911, sec 10864), and will thereby be entitled to certain privileges, as for instance the privilege of increasing the maximum levy to 100 cents for school purposes (R. S. Mo. 1911, sec. 10825).

II. Transportation. — Five routes will take care of all the children living more than one-half mile from the school house (children living less than one-half mile distant are not entitled to transportation under the law). The roads are in the main good clay roads.

The distances in every route are very reasonable and no child need be on the road more than one hour. The average will be twenty minutes. The wagons will usually carry less than the totals given because of absences from school.

Present Expenses of Five Districts

	A	B	C	D	E	Totals
Length of Term, months	7	8	8	8	7	
Salary of Teachers	$350.00	$400.00	$440.00	$400.00	$805.00	$2395.00
Salary of Janitor	6.30	22.90	16.45	16.00	35.00	96.65
Salary of Clerk	5.00	7.00	10.00	10.00	10.00	42.00
Fuel	13.48	22.71	40.40	15.00	35.00	126.59
Total Incidentals	60.55	74.36	209.38	47.00	153.97	745.26
Total Salary and Inc.	410.55	474.36	649.38	447.00	958.97	3140.26
Assessed Valuation	53,030	97,850	69,635	73,010	111,755	383,835
Levy	65	40	40	40	75	

Total expense for five districts, $3140.26.

Average Daily Attendance

A	19
B	29
C	33
D	27
E, outside village	9
E, in village	45
	162
Total (not in village)	117

Estimated Cost of Running Consolidated School

Transportation. — There are 117 children to be transported daily. Those living in the village would walk. Figuring from cost in other states, we may set the cost at $1 per child per month. The total cost will be approximately $1000.

Teachers. — The average daily attendance is 162. Five teachers can take care of these and the principal can teach some high school work in addition. Four of these teachers can be easily secured for $40, because while $50 is paid to get rural school teachers, as good a quality or better can be secured in a graded school for less money. The present principal of the village school can be retained for $65.

4 teachers at $40 for 8 months	$1280
1 principal at $65 for 8 months	520
Total for teachers	$1800

Fuel. — A five-room school building can be heated for $65 a year in this locality.

Janitor service can be secured for $75 for the year on the basis that the two-room school in the village pays $35 a year.

Clerk's expenses would amount to about $15 for all purposes. These total as follows:

Transportation	$1000
Teachers	1800
Fuel	65
Janitor	75
Clerk	15
Other incidentals and repairs	150
Total	$3105

Comparison. Separate districts now pay	$3140
Consolidated district (estimated)	3105
Saving	$35

This means practically, however, that three of the districts, B, C, and D, levying 40 cents, would have to raise their assessment while the other two would lower to strike an average.

The best proposition to be made and fought out in these districts is this: Are you willing to raise your levy to 65 cents and have a graded school with three years' work in the high school and six teachers employed?

This can be easily done for 65 cents on $383,835 assessed valuation of the whole district. The whole district would give an increase of $490, which would more than enable the district to hire an additional high school teacher and give three years of high school work.

Natural growth of sentiment with the success of the school would undoubtedly increase the levy because that always happens in towns, and farmers are just as friendly to education as are city patrons if they can see that they are getting the worth of their money in better schools.

Initial Cost of Consolidation. — This is difficult to state in terms that would hold for every locality. It so happens that there are three buildings in these districts, none more than $2\frac{1}{2}$ miles from the village, in good condition, that could be moved in and used. This with the two-roomed village school would take care of all the pupils and the initial cost would be largely the cost of moving them in and repairing them. This cost would be largely defrayed by the sale of the sites and the remaining school building. Later the district could build a good modern building, and the sooner the better.

A proposition to build a new building would depend upon what the sentiment of the district is. The village would very probably be willing as individuals to pay a good part of the initial cost of putting up such a building on ample school grounds.

Five covered wagons to be owned by the district would cost in addition about $150 each.

CASE II

Another group of districts in which the saving would be much greater is the following. The saving is greater because the number of pupils in each school is smaller.

Present Expenses

	A	B	C	D	Totals
Enrollment	27	12	21	6	66
Daily attendance	20	7	14	5	46
Term	6	8	6	7	
Total Salary	$240.00	$320.00	$240.00	$280.00	$1080.00
Total Incidental	164.33	75.20	91.59	40.99	372.11
Total Expense	400.33	395.20	331.59	320.99	1452.11
Assessed Valuation	50,770	99,175	68,000	68,530	282,475
Levy	55	40	40	50	

Two teachers could take care of these children easily in a central school. Two buildings are in excellent condition, and could be moved into the center. Three wagons would cost $450. They could pay their teachers $40 a month, as at present. The estimates of expense would be as follows:

2 teachers at $40 a month for 8 months	$ 640
46 pupils to transport at, say, $1.50 a month (Three wagons would be necessary)	552
Incidental expense in total	150
Total	$1342

Comparison.	4 districts at present spend	$1452.11
	Consolidated district	1342.00
	Saving	$110.11

This means that all the children would have an eight-month school where now only one school has, that they would have two teachers with four grades to a room and only 23 pupils in each

room. Also by raising the levy to 60 cents they could put in another teacher, do two years of high school work, and have plenty of money left. Fifty-five cents, the levy now made in one of the districts, would probably do the work.

That is, by all the districts paying what one does and consolidating, they could have a graded school and two years high school. At present individual patrons in these districts pay a total of over $2500 a year, sending their children away to high school. Two years of this could be had at home by consolidating.

There is only one principle upon which to work for consolidation — the principle of improved service. Cheapness is no argument. The school which gives the best service for the money spent is the best school. Country schools are maintained on notoriously low taxes. Yet country children should have an education as good as that of city children.

The best education in consolidated schools will cost more than poor education in one-room schools — if people will pay the money for the best.

If consolidated schools are conducted as poorly as in the one-room schools, they will cost less; but nobody wants them to be run so poorly. They ought to be immeasurably better, and patrons should see to it that they have the best.

It is a characteristic of Missouri patrons that, when they understand a school proposition, they will vote the necessary money; and this holds for rural as well as for city patrons.

The friends of consolidation should spare no pains to make clear their plans. They should be made as simple as a primer, and then the fight should be made for good schools, not for cheap schools.

V. Consolidation in Township-system States

The following article, describing the work of consolidation in an Indiana county, is illustrative of the progress which may be made under the township system, with but one trustee to a township and with good county leadership.

Consolidation of Schools in Randolph County, Indiana

[By Co. Supt. L. I. Driver, in *Bien. Rept. Supt. Publ. Instr., Indiana*, 1911–1912, pp. 124–146.]

It is not the intention in this article to discuss the question of the superiority of consolidated schools over the district school, as that question has been settled by comparison in scores of consolidated schools all over the State. We wish to show, especially, the influence of these schools in the enrollment and attendance of the eighth year graduates. Randolph County, like all others of the State, for years depended solely upon its district schools, and we should not in any degree minimize the work of these schools, for through them alone is the present high efficiency made possible.

Consolidation first began in this county by the school building at Losantville, in Nettle Creek Township, having been condemned by the State Board of Health. The school authorities thought it wise to transport two small district schools to this place. Although this brought about a storm of opposition, the experiment was tried and proved a great success. The building was built in 1905 and is of concrete, costing $14,000 and has since been equipped at a cost of about $300, not including desks, globes, maps, and library. For the first time in the history of the county the flush system of closets was installed in a township building. A high school was established with a three years' course of six months each. This has been increased to a four years' course of seven months and is now a certified school. From the very first this school has been a success, which is shown by the fact that 94 per cent of the eighth grade graduates have entered high schools.

The school corporation of Lynn was laid down and the township took charge of its school and built a six-room building at a cost of about $24,000. At the dedication of this building Doctor Hurty, in making an address, spoke of the "large and commodious building, sanitary in every part, large enough to meet the needs of the community for years." The people of the community, realizing the advantages of such a school, abandoned two of the district schools and it became the duty of the same Doctor Hurty to condemn the building because of its lack of room in 1909. A four-room addition was built to meet the growing needs of this school, but again we find an insufficiency of room, as the building is now crowded in every part. Laboratories for physics, botany, agriculture, manual training, sewing, and cooking are installed and efficient work is being done in all of them. From a school requiring six teachers and having a high school course of three years it has

grown to a school requiring thirteen teachers and is commissioned. The enrollment of eighth year graduates has increased from 80 per cent to 97 per cent.

In 1912, five districts in the north part of this same township petitioned the trustees to abandon the district schools and consolidate them. To this end a $15,000 five-room building was erected in 1912.

In 1908, a four-room, dilapidated, unsanitary fire-trap of a school house in Greenfork Township gave way to a modern eight-room building. This building is not only sanitary and modern in every particular, but is an architectural beauty. It is situated in a maple grove near the center of the township and accommodates the pupils from six districts.

The high school maintained here has grown from a three years' course of six months to a four years' course of eight months and was commissioned in 1911. The per cent of attendance of the eighth year graduates has increased from 80 per cent to 97 per cent since the erection of this building.

In 1908, the trustee of White River Township found himself facing the problem of several small schools and poor buildings in the western part of his township. It was deemed advisable to build a consolidated school. To this end a four-room building was erected at a cost of $14,000. Many people looked upon it as a foolish undertaking, as it was situated entirely remote from any town or village. In fact, at the dedication of this building, known as the "Lincoln," prophets were heard to say that the time would never come when the building would be half filled. This school began with an enrollment of forty-three. Its advantages were soon seen by the people of the surrounding districts and the following year three heavily populated districts petitioned to be abandoned and transported to this school. Many others from surrounding districts also seeing its advantages transported their children at their own expense. This reduced the attendance in other schools until three went down for lack of attendance. The high school was established in 1910 and was placed upon a commissioned basis. The experiment was so successful and the attendance so large that the building soon became inadequate. As some of the high school children were transported from the east end of the township it was thought that the situation might be relieved by building another large building in the eastern part of the township. This was done in 1911, but so great was the demand and need for more room in the "Lincoln," 97 patrons out of 101 petitioned the trustee and advisory board to double the capacity of the school building. This was done in the summer of

1912 and instead of a failure, as was predicted by some, we find it an eight-room building equipped for botany, agriculture, manual training, sewing and cooking, attended by 237 pupils.

The other building referred to in the above paragraph is known as the "McKinley" and is situated one mile east of Winchester. It is a seven-room building, costing $28,000, modern in every particular and fully equipped for all the needs of a modern school. Seven schools are transported to this building. The enrollment for the current year is 176. The high school maintained here is certified.

For five years previous to the establishment of the township high schools in this township the enrollment of eighth year graduates had been 53 per cent. Since these high schools have been started, 93 per cent of the eighth year graduates are enrolled in the high school.

In 1909, Parker abandoned its school corporation and its management was assumed by Monroe Township. A new building was necessary. Four acres of ground near town were purchased by the trustee and a building costing $24,500 was erected. This is also equipped and maintains a commissioned school having twelve teachers. The children in the western half of the township are transported by wagons and interurban trolley to this school. This building is equipped for manual training, sewing, cooking, botany, agriculture, and physics. There yet remain four district schools. The per cent of attendance of eighth year graduates has increased from 67 per cent to 90.

The banner year for school house construction was 1910, as three townships erected buildings that year.

Green Township erected a six-room $19,000 building upon a three-acre school lot in the center of the township. This is the first township in the county to have complete consolidation, as all of the eight schools are now abandoned and transported to the central school. For five years previous to the establishment of this school but 21 per cent of its eighth year graduates enrolled in high school. This low per cent is perhaps due to the fact that no high schools were near this township. The growth of this school has been remarkable, and a four years' certified high school is maintained. The per cent of attendance of the eighth year graduates has increased from 21 to 92 per cent; every member of the class of 1911 enrolled. This school is certified.

Jackson Township is another that built in the year 1910. Its building was erected in the center of the township and, like the others, is modern in every particular. It has five rooms and was built at a cost of $18,000. Two rooms were occupied the first

year, but this year, 1912, finds every nook and corner filled, — in fact the trustee is unable to put cooking in the course because of the lack of room. Every indication points to the building of an addition in the very near future. Five schools are centralized at this place, and the enrollment of eighth year graduates has increased from 31 to 95 per cent.

Ward Township had a high school at Saratoga previous to the year 1910, but Saratoga is in an extreme corner of the township, which made the high school inaccessible to most of the children of the township. Two schools abandoned for lack of attendance, together with three abandoned by petition were centralized in the "Jefferson," near Deerfield, in the western part of the township. This building has four school rooms and two recitation rooms and was built at a cost of $17,000. The high school is now certified and is growing very rapidly. The attendance of eighth year graduates in the territory covered by this school has increased from 31 per cent to 92 per cent. It is only a question of a short time until this building must be increased, as it is now too small to permit of manual training or domestic science.

In the spring of 1911 the Board of Health condemned the joint school building between Nettle Creek and West River Townships at Modoc, and the trustees of these townships built a five-room building at a cost of $18,000. During the summer three district schools petitioned to be abandoned and consolidated with the school at Modoc. The high school, which had been a two years' course of seven months, was put upon a commissioned basis immediately, and has grown from an attendance of 15 to 40. The school is now certified, and the per cent of enrollment of eighth year graduates in the territory covered by this school has increased from 68 per cent to 96. It is now equipped for botany, agriculture, manual training, and sewing. It is impossible to install cooking because of lack of room.

At the same time in which the Modoc school building was condemned another building in West River Township at Huntsville was also condemned, but the Board of Health realizing that a township would be burdened by building two buildings during the same year extended the time of condemnation to 1912. In the summer of 1912 a four-room building was erected at Huntsville at a cost of $15,000. This school, like the one at Modoc, has been increased from a two years' course of seven months and placed upon a commissioned basis. Three abandoned schools are transported to this school, leaving only two district schools in the township. The eighth year enrollment has increased from 68 per cent to 92 per cent.

In the spring of 1912 four districts in the central part of Wayne Township petitioned to be abandoned and consolidated in a central school. To this end five acres of ground were purchased and a contract let for a seven-room building at a cost of $23,000. At the time of writing this article the building is not finished. The grades are being taught in the various abandoned districts, and the two years' high school is being conducted in a one-room building. These schools will occupy the new building upon its completion. The high school is put upon a commissioned basis and gives every evidence of being as successful as the others of the county. But 44 per cent of the eighth year graduates for the past five years have entered high school.

In mentioning the number of rooms in each of the buildings named above we have made no attempt to enumerate such rooms as might be termed recitation, library, laboratory, rest or playroom. Each building has from two to six of such rooms which are as valuable in their place as the rooms mentioned in the description.

These buildings have been built according to the rules and regulations of the State Board of Health, as to lighting, heating, and ventilating. The heating is by furnace and steam, the ventilation being by fans. Automatic regulation is installed in most of these buildings, thus insuring a constant temperature. The flush system of toilets is made possible by cess-pools, which are easily drained and which have proved very satisfactory.

The cost given is in most cases the contract price and does not include any improvements or equipment.

In some cases the old school buildings are used for barns and in others new barns are built. These are used for the horses of the hack drivers and of children who furnish their own transportation.

These barns are constructed so that by removing a temporary stall the school hacks may be stored during the summer.

These buildings are constructed for a broader purpose than merely school buildings. Many of them have become the centers of community interests because of their facilities for the accommodation of public gatherings. Many of the townships have no other public buildings of sufficient size to accommodate general meetings of the community. Without exception these buildings have auditoriums which are made by combining two to four rooms, and sometimes the corridor. Folding doors of unusual height are used for this purpose. These auditoriums vary in size, depending on the size of the building, but in most instances will seat from 300 to 400 people. These facilities have brought about many entertainments such as are given in lecture courses of high quality.

Commencements, township institutes, both teachers' and farmers' political meetings, Sunday School conventions, farmers' organizations, parents' and teachers' meetings — in fact all meetings found in any high grade community are being held in these buildings. This has brought about a closer relation between patrons, children, and the schools, and this alone is well worth the extra cost of any auditorium.

These schools have brought about a higher appreciation of school work in advance of the eighth grade. Families are now represented in the high schools of the township which were never represented before. Children no longer are discussing the question of stopping at the eighth grade, because they have in their own midst an institution of higher learning. We know of no more convincing proof of the above influences than a reference to the statistical report of the county. In 1908–09, the year before these schools were started outside the towns, this county had 371 eighth grade pupils enrolled, 191 high school pupils. In 1911–12, by a strange coincidence, the report shows the same number of eighth grade pupils, but the enrollment in the high school has increased from 191 to 417. Seventy-one per cent of the pupils of the townships of the county are in consolidated schools.

This influence not only reaches to those of the eighth year but extends entirely throughout the grades, and the general attitude of these lower grades toward the schools and school problems is perceptibly better. As one reflects upon the schools of the past and compares them with those of the present with all their advantages the question arises, "What great things are in store for the children of the next generation?"

The greatest problem in consolidated schools is the transportation of the children. This can be best done only by the best men as drivers with the best teams to be had, and these attached to the best hacks possible. Too great care cannot be taken to insure the best service in this line. The hack routes must be as short as possible so that children may be in the wagons for a minimum period only. The hacks should be commodious, warm, and well ventilated. To this end the trustees of this county are purchasing only hacks that have glass sides and ventilators. They should be heated by coal stoves and thus eliminate any fumes.

The glass sides give good opportunity for ventilators and insure plenty of light, both of which are not only essential to good health but are conducive of good deportment. Hack drivers who formerly drove the hacks with curtained sides report that the discipline in the modern hacks is much better. This is due largely to the fact that the hacks have plenty of light and that the children

can see over the country as they pass along. This is also an insurance against accidents while crossing railroads.

The hacks used here have double floors, which also adds much to the comfort of the children.

Good roads are also a necessity to successful transportation. Since these hacks have to go over the roads at all times of the winter they are equipped with wheels having two and a quarter inch tires to prevent any unnecessary wear upon the road. Hack routes, like mail routes, bring about good roads, as the best service is only possible under the most favorable conditions.

Only men of the highest moral worth should be employed as drivers. As much care should be exercised in the selection of a hack driver who has charge of the children to and from school as in the teacher who has charge of them while in school. The best of men can only be secured when the position pays the price demanded by a first-class man. Bids for driving a hack should never be taken by a trustee as this brings about unsatisfactory complications.

The rules and regulations of the hack service should be a part of the contract into which the hack driver enters and in which he gives bonds for the successful performance of the work. The contract here shown is the one used in this county and attempts to reach and overcome some of the difficulties encountered in the past.

Each hack driver is required to make a daily report to the principal of the school. This not only secures his coöperation but the children in this way learn of their responsibility to the driver. A report is also required of each driver to the county superintendent so that official may be made acquainted with prevailing conditions.

Contract for Hauling School Children

Route No. ____. _____ Township
Contract entered into on _____ 19____ between ____
_____ party of the first part, and _____
_____, Trustee of _____
School Township of Randolph County, Indiana, party of the second part.

The party of the first part (for the sum named below to be paid by the party of the second part) agrees to perform the following work: To drive the school wagon on Route No. _____ in _____ School Township, of Randolph County, Indiana, and haul all the children of school age now residing and adjacent to said

route (or who may be along said route during the life of this contract), to and from the school according to the following schedule. The said schedule to be as follows unless changed by the Trustee.

Commencing at the	Standard Sun	Returning	Standard Sun

Thence to the _____ School arriving at

Leaving _____ School at

Said work to be governed by the following conditions:

1. The said _____ School Township is to furnish the wagon to be used and keep it in repair.

2. The said party of the first part is to furnish, keep, and feed all the horses, and furnish harness, necessary to haul the wagon on the said route, without any expense to the said _____ School Township, other than the pay agreed upon for the party of the first part in this contract.

(Here insert conditions as to stable) _____

_____

3. The party of the first part is to have control of all the school children so hauled, to and from school, to keep order and maintain discipline while in the wagon and along the route, and to treat all children in a gentlemanly and civil manner and to see that no child is imposed upon or mistreated while in his charge, and shall use every care for the safety of the children under his charge. All school hacks shall come to a full stop immediately before crossing steam or electric railways and the driver shall ascertain positively as to the approach of any danger. The party of the first part hereby agrees to prevent the use of tobacco in any form, by himself or any other person upon the school wagon while under his charge.

4. The party of the first part is to drive the wagon and take the children along the route every day that school is in session during the school year of 19— and 19—.

5. The party of the first part shall inform the parents of the school children as to the time he will arrive at the place where the children are to take the school wagon each morning, so that the children can be ready to get into the wagon with the least possible delay. He shall wait a reasonable length of time for the children, in case they are not ready when the wagon arrives in the morning, but he will not be required to so wait over two minutes. Said party of the first part is to use as many horses as necessary to haul the wagon on the schedule as laid down in this contract. The party of the first part is to personally perform all the said work as laid down in this agreement, unless permission for a substitute be given by the Trustee, who shall designate who such substitute shall be. This contract shall not be assigned to another person to perform without the written consent of the said Township Trustee, as party of the second part, and to be so written on the back of this contract. The party of the first part is to wash and clean up the wagon at the end of term and place it in the school barn, or elsewhere, as directed by the Trustee without extra compensation.

6. The party of the first part hereby agrees to make all reports called for by the Trustee or any one authorized by the Trustee to call for them.

7. The party of the second part hereby agrees to pay the party of the first part the sum of ------ dollars ($ ---- .), per day for every day such work is performed. Pay for such work can only be drawn each month during school term or at the end of the term, or on the same plan and terms as with the school teachers if the Trustee so desires.

8. The wilful violation of any of the provisions of this contract shall be cause for its forfeiture.

9. In case anything should arise not named or covered by this contract, the matter shall be adjusted by the Township Trustee, whose decision shall govern all parties concerned.

To all of the above we do hereby agree in every particular by signing our names on this, the ------ day of ---------- 19 ------

---------- ----------

Party of the First Part.

Trustee of ---------- School Township, Randolph County, Indiana, and Party of the Second Part.

VI. Consolidation under the County-Unit

The following extracts from Kansas and Missouri State School Reports point out the desirability of general county educational reorganization. The Missouri extract uses Bates County as an illustration of what could be accomplished under such a plan for educational administration. This is only what has been accomplished in Baltimore County, Maryland, working under the county-unit plan. What both propose is what is provided for in the required county educational reorganization, outlined in the School Code for the hypothetical state of Osceola.[1]

1. *Fundamental Rural Needs in Missouri*

[From *56th An. Rept. Supt. Publ. Instr. Missouri*, 1905, pp. 27–29.]

At a recent conference of nearly a hundred leading teachers of the State, the sentiment in favor of a revision of the educational provisions of the State Constitution was nearly unanimous. From the school standpoint, the purposes would be to adjust the financial support of the different parts of our articulated system of education. The ends to be accomplished are: (1) Fixing a permanent support for all State institutions by a definite State levy, placing the burden on all property in the State equally, offering to every section of the State and to every young man and woman equal opportunity for technical and higher training; (2) making the county a taxable and school administrative unit, to provide secondary schools and to exercise supervisory control over elementary schools; (3) providing for larger school districts, popularly designated as "consolidated districts," with larger liberty in levying school taxes than is now given to school districts.

The state needs to have its assessed valuation increased fifty per cent at once. This can be done under laws now on the statutes by county assessors and county and state boards of equalization, if they will but do their full duties. There is neither justice nor law in the present custom of assessing property at from 25 to 40 per cent of its actual value. . . .

The apportionment of this money should encourage the formation

[1] See Cubberley, E. P., *State and County Educational Reorganization* (School Code of Osceola), Chapter II, Art 6. Also see Appendix II of same for details for one county, with maps, tables of costs, etc.

of consolidated school districts, or township districts — about 2,000 in all, instead of 10,000 as at present. The manner of apportionment should induce every community to do all it is able to do for itself. . . .

Let us see what would be the results of such a reorganization, if applied to Bates county. This county has, in round numbers, 8500 children of school age; enrolled last year 7800 children; and had an average attendance, for 156 days, of about 4800 children. There were 220 teachers in 140 districts, receiving an average annual salary of less than $300. The present assessed valuation of property is $12,000,000, including railroad, telegraph and telephone lines; perhaps 300 boys and girls, nine-tenths of whom live in towns, are in high schools. The rate of tax-levy is 51 cents, which produces about $60,000 from local taxes. The total expenditure for school purposes is $80,000.

The State contributes about $12,000 of this, about $9,000 of which the county pays into the state treasury as taxes. This is a fine showing for one of the best counties of the state.

What should it be? The average attendance should be 6000 and the average length of term should be 160 days — no district having less than eight months. The number of districts should be reduced to about 20, through consolidation. The total number of teachers should be reduced to 200, giving four or more teachers to each township school district. The average annual salary should be $400 with no salary in the county less than $40 per month. The assessed valuation of property should be increased to $18,000,000. There should be 20 good two-year high schools, one in each district, enrolling 600 pupils. There should be one or two central high schools, for more advanced and special work, enrolling at least 400 more. There should be a state school-tax levy of 10 cents, a county school-tax levy of 10 cents, and a district school-tax levy of not less than 40 cents, — averaging 50 cents (present average about 65 cents). This would give, counting income from permanent funds, about $80,000 to pay 200 elementary teachers and $20,000 for incidentals, supplies, and repairs for the 20 district schools. The county board would thus have $30,000 with which to maintain 20 small high schools and one or two first-class central high schools, and to employ efficient supervision for all of the schools. Under such an organization, $100,000 of the $130,000 spent on elementary and secondary schools in the county would be raised by direct tax on county property. The other $30,000, would be apportioned from the state treasury, a larger part of which would be raised from corporation taxes and from permanent investments. In addition to

the above, Bates county should spend annually $30,000 for new buildings.

If we multiply expenditures, number of teachers, and number of pupils by one hundred, we will get about what the result would be for the entire state.

2. *A Larger Unit of School Organization*

[From the *Report of the Educl. Com. of Kansas*, 1910, in the *17th Bien. Rept. Supt. Publ. Instr. Kas.*, 1909–1910, pp. 34–36.]

The Educational Commission, appointed by the State Teachers' Association in October, 1901, begs leave to submit the following report:

* * * * * * *

4. *A larger unit of school organization.*

This committee has given careful consideration to the question of a larger unit of organization for the schools of Kansas and is fully convinced that the enactment of a law making the county the basis of organization would be highly beneficial to the cause of general education.

Three units of organization are in use in the various states of the Union; the district, the township, and the county. More than half of the states are organized on the district basis. The New England states, Pennsylvania, Ohio, Indiana, and a few other states have adopted the township system. The Southern states use the county plan. Iowa and South Dakota have recently undertaken the adoption of the county unit. Committees on the codification of the school laws in several other states have recommended it for adoption. Many schoolmen and others who are giving their attention to the practical working of school affairs and to the consideration of plans for the improvement of schools to meet the needs of the times are urging the adoption of the county as the unit of organization. Wherever the plan has been given a trial the results are highly satisfactory.

The following are a few reasons for the superiority of the county unit over the district system:

1. It is less expensive. This has been true in most places where it has been tried. In the comparatively few instances in which the cost of schools has been increased, the superior facilities afforded have more than counterbalanced the additional outlay.

2. It equalizes taxes levied for school purposes. In one county in Kansas the valuation of a certain school district is only $63,000;

of another district $3,521,000. The tax levied in the first district is seven mills; in the second no tax was required this year. In two other wealthy districts the levy was only four-tenths of a mill. Other counties in the state now show similar conditions. Certainly no valid reason can be given why one man should pay fifteen or twenty times as much for the education of his children as another, equally wealthy, should pay for the same privilege. Under the county system railroad and other corporation taxes would be more widely distributed and present conditions greatly improved.

3. It insures equality of school provisions as to schoolhouses, apparatus, and other school equipment, thus making greater uniformity of attainment possible.

4. It secures for teachers greater permanency of position. Under the district system, the teacher often loses her position on account of petty neighborhood quarrels. Such conditions would be less likely to affect the school under county organization and greater efficiency would be a natural result of the longer tenure of office of teachers.

5. The county system reduces the number of schools and increases the number of pupils in attendance at each, thus making possible better grading and classification and adding the inspiration of numbers.

6. It is a means, possibly the only one, of obtaining that closer supervision necessary to bring the common schools to the highest degree of efficiency. The single visit paid by the county superintendent to the district school annually can accomplish but little in the way of efficient supervision. The county system renders possible the appointment of assistant superintendents or supervisors who can visit schools often enough to be of some real service to them.

7. It eliminates all district boundary disputes, having a decided advantage in this respect over both district and township systems.

8. It makes consolidation of schools easy and practicable. The greater efficiency of consolidated schools, because of their better buildings, better equipment, more competent teachers, more thorough supervision, more careful grading and classification, is admitted by all educators and by all patrons familiar with them. A carefully worked out plan of consolidation for the country schools of our state would be of inestimable value to the cause of education.

This committee is in favor of immediate steps being taken to establish the county system in the state of Kansas. Many reasons can be added to the above for its adoption. We believe that this would be a great forward movement for the common schools and

would enable them to meet the growing needs of the children of the state, which, under present conditions, they are unable to do.

We commend this measure to your favorable consideration, believing that it will appeal to every lover of progress in education as being worthy of enactment into law.

The Vermont Educational Commission (1913) recommended that a comprehensive state scheme for educational reorganization be effected, with the end in view of creating a series of consolidated schools in the towns, each in turn connected with a complete high school, and each such group of schools and towns to be under the supervision of a full-time superintendent of schools. This is not essentially different in principle from the county-unit idea, as found in Maryland or Georgia.

It is only in such consolidated schools, however organized, that a curriculum suited to rural-life needs of the present and future can be provided, and it is only in such places that community-center schools capable of real rural service can be developed. The following extract, dealing with the school system of an essentially rural state, points out clearly the need of redirecting the curriculum of the rural schools if they are to be made to meet rural needs.

3. *Rural School Needs in Vermont*

[From *Study of Education in Vermont*, Carnegie Foundation for the Advancement of Teaching, Bul. No. 7, 1914, pp. 8–13.]

One conclusion stands out as the fundamental and important outcome of this study. It is that the chief problem with which the state is concerned is the care and development of its elementary and secondary schools. No one whose vision is true would seek to belittle the problem of higher education, but in rural communities, such as prevail in Vermont, the problem of the common school overshadows all others. So overwhelming is its importance that it is not too much to say that if the state develops an efficient and fruitful system of elementary and secondary schools, and makes sure of an effective source from which teachers for the elementary and secondary schools may be drawn, the essential problem of education for Vermont is solved.

The detailed studies that follow show that of the nearly 1700 schoolhouses in the state, nearly 1400 are one-room school buildings — nearly all of these rural schools. Of the 83,000 children between the ages of five and seventeen, 57,000 are attending the elementary schools. Few of these children enter the school before six years of age, and practically none remain after sixteen. For these elementary schools there are required about 2400 teachers, whose pay is between $8 and $9 weekly. The future of Vermont and her citizens is to be wrought out in these schools and by these teachers.

In a similar way the detailed study elsewhere presented shows that the problem of secondary education in Vermont has the rural situation as its essential factor. To make these two agencies, the elementary school and the secondary school, effective in forming the lives of the children is the fundamental problem which confronts the state.

A study of the detailed reports will make it clear that, notwithstanding the great amount of devotion put into the separate schools, and notwithstanding also the intelligence applied by this or that supervisor, the elementary and secondary schools of Vermont have for years been conducted upon a curriculum whose tendency is to draw children away from the homes in which they were born. Notwithstanding certain improvements, the school still fails to interest them directly and efficiently in the life about them. This condition is dealt with in the two sections relating to the elementary and secondary schools. These sections carefully discuss the fundamental questions, What is the elementary school for? What sort of school can serve fruitfully and efficiently the aspirations, the needs, and the vocational wants of a rural population? Whether the answers to these questions have been completely worked out or not, it seems clear that at least four things must be done in order to bring the elementary and secondary school system of Vermont to the point where, as an agency of civilization, it will meet the requirements of its people.

First, there must be adopted in the elementary school, and later in the high school, a course of study related to the life of the child. This does not mean that the strong intellectual motive of the elementary school must be abandoned. The value of studies like the mother tongue and elementary mathematics can never be questioned, but it is clear that the domination of the college and of preparation for college has had an undue effect upon the courses of study and the methods of instruction even in the elementary schools, ninety-five per cent of whose children are never to enter college. The difficulty arises partly out of the fundamental con-

ception of education and partly out of a failure to accomplish practically the result aimed at. That human being is educated who has been so trained as to make the best out of the place in life in which he finds himself, taking into account his full capacity — spiritual, intellectual, economic. Education is therefore a relative, not an absolute term. The school as the agency of education is founded upon this conception, but traditional school methods tend constantly to obscure it and to harden into specifics unrelated to the life experience of the children. As a minimum the school should do at least three things for the child — teach him self-discipline, teach him to think, and strengthen his relations to the social and industrial interests of his community. It is not too much to say that not alone in Vermont, but throughout our states, in the country-side schools the children are put through the grades under a régime which gives them little self-discipline, dulls their minds with artificial repetitions and routine tasks, and, so far as it educates them at all, educates them away from the life in which they have grown up. Any form of school that weakens the child's interest in the life of his community is deficient in the elemental requisite of the school as an agency of civilization. Something is radically wrong with a school in an agricultural community that develops motormen, stenographers, and typewriters, and fails to develop farmers, dairymen, and gardeners. A course of study prepared with the view of correcting this condition is the first step in reform.

As a part of elementary and secondary instruction there should be included the gradual development of vocational facilities. The chief industry in Vermont to-day is agriculture, and while manufacturing is also making strides, it may fairly be assumed that for many years to come agriculture will remain the chief vocation of its citizens, and the development gradually of a sufficient number of trade schools or courses in agriculture should be a part of the school program. Such schools will naturally form a part of the regular system of schools, and their development will be a part of the work of the board of education and its experts, working in unison with the towns.

Secondly, there should be provided for the school system of Vermont an educational administration that shall supervise the schools as a whole, and that shall bring to every high school and to every elementary school genuine, sympathetic educational advice. It has been pathetic to see the eagerness with which the rural school teacher reaches out for educational help. One's respect for womankind (the typical rural teacher is a young woman of twenty-two or twenty-three) and one's respect for the rural

school deepen when one sees the devotion, the energy, and oftentimes the great natural teaching ability that are displayed by a rural elementary school teacher. Any system of educational administration that is to be successful must provide the means by which these isolated teachers may be visited by experts who can sympathetically, intelligently, and skilfully help them to correct mistakes and to strengthen their own good qualities. This means adequate administrative organization at the top.

* * * * * * *

Finally, agencies must be provided by which the requisite number of trained teachers can be obtained for the elementary schools — teachers who shall have had some training not only in arithmetic and in geography and in English, but shall have had a training also in the social point of view from which they must approach their work. The future of Vermont lies in the hands of these teachers, and no single act that the state government can perform is more important than that which seeks to provide the means for training in the right way an adequate supply of teachers for the elementary rural schools. As a practical matter this means that a twenty-two-year-old young woman, paid at present at the low rate of about eight and a half dollars a week, must be fitted for this task, and that her education for the teacher's calling must be had within easy reach of her home.

* * * * * * *

So far, therefore, as the results of this study concern the general public school system of Vermont, they are contained in the recommendation: Establish a competent educational administration; free it from political interference; give it a free hand to work out a course of study that shall meet the people's needs, to train teachers who are able to deal with its life, and to develop those vocational schools which may minister most directly to the opportunities which offer themselves to the Vermont boy and the Vermont girl.

CHAPTER XI

STATE EDUCATIONAL ORGANIZATION

THE material of this chapter will relate to the State Superintendency, State Boards of Education, and state educational organization.

I. EVOLUTION OF THE STATE SUPERINTENDENCY

The first chief state school officer provided for was in New York, in 1812. Since then every state in the Union has provided for such an officer. The title of the chief school official is usually State Superintendent of Public Instruction, or Commissioner of Education, the latter term having been adopted in all recent reorganizations. The evolution of the office may be seen from the table on pp. 283–287.

II. DUTIES OF THE STATE SUPERINTENDENT

The enumerated powers and duties of the State Superintendent of Public Instruction of Oregon are typical for those states in which the office is filled by popular election, and relate chiefly to the common school system.

SUPERINTENDENT OF PUBLIC INSTRUCTION

[From *Oregon School Laws* (1913), Chap. I, pp. 9 ff.]

1. *Superintendent of Public Instruction a Distinct Office.* The office of Superintendent of Public Instruction in this State is hereby declared to be a separate and distinct office, and the present

EVOLUTION, APPOINTMENT, AND TERM OF OFFICE OF THE CHIEF SCHOOL OFFICER OF EACH OF THE STATES

STATE	EVOLUTION OF THE OFFICE	ELECTION OR APPOINTMENT	TERM IN YEARS
Alabama . .	Superintendent of Education, 1854–67;		
	State Comptroller, *ex officio*, 1867–68;		
	Superintendent of Education, since 1868.	By people	4
Arizona . . .	Governor, *ex officio* Supt., 1871–79;		
	Territorial Supt. Appointed, 1879–1912;		
	Superintendent of Publ. Instr. 1912.	By people	2
Arkansas . .	Secretary of State, *ex officio*, 1853–61;		
	Superintendent of Publ. Instr., 1867–74;		
	Secretary of State, *ex officio*, 1874–75;		
	Superintendent of Publ. Instr., since 1875.	By people	2
California . .	Superintendent of Publ. Instr., since 1849.	By people	4
Colorado . .	Territorial Supt. of Common Schools, 1861–65;		
	Territorial Treasurer, *ex officio*, 1865–70;		
	Superintendent of Publ. Instr., since 1870.	By people	2
Connecticut .	Secretary Board of Commissioners for Common Schools, 1839–42;		
	Commissioner of School Fund, *ex officio* Superintendent of Common Schools, 1845–49;		
	Principal normal school, *ex officio* Supt., 1849–65;		
	Secretary State Bd. of Education, since 1865.	By board	Indef.
Delaware . .	State Superintendent of Schools, 1875–87;		
	State Auditor, *ex officio* Sec. State, 1898–1912;		
	Bd. of Education, State Commissioner of Education, since 1913.	By board	2
Florida . . .	Registrar of Land Office to look after school lands, 1835–39;		
	Secretary of State, *ex officio*, 1845–49;		
	Registrar of Public Lands, *ex officio* State Supt. of Common Schools, 1850–61;		
	State Supt. of Publ. Instruction, since 1869.	By people	4

EVOLUTION, APPOINTMENT, ETC. — *Continued*

STATE	EVOLUTION OF THE OFFICE	ELECTION OR APPOINTMENT	TERM IN YEARS
Georgia . . .	State School Commissioner, 1870–1911;		
	State Superintendent of Schools, since 1911.	By people	2
Idaho	Territorial Controller, *ex officio* Supt., 1875–87;		
	Superintendent Public Instruction, since 1887.	By people	2
	Commissioner of Education, since 1913.	By state board	Indef.
Illinois . . .	Secretary of State, *ex officio*, 1825–45;		
	Same, *ex officio* Supt. Common Schools, 1845–54;		
	State Supt. of Public Instr., since 1854.	By people	4
Indiana . . .	State Treasurer, *ex officio* Supt. Common Schools, 1843–51;		
	Superintendent of Public Instruction, since 1851.	By people	2
Iowa	Territorial Supt. Public Instr., 1841–42;		
	Superintendent of Public Instr., 1847–57;		
	Secretary State Bd. of Educ., 1857–64;		
	Superintendent of Public Instr., since 1864.	By governor	2
Kansas . . .	Territorial Supt. of Schools, 1857–59;		
	State Supt. of Public Instr., since 1859.	By people	2
Kentucky . .	State Supt. of Common Schools, 1837–50;		
	State Supt. of Public Instr., since 1850.	By people	4
Louisiana . .	Secretary of State, *ex officio* Supt., 1833–47;		
	Superintendent of Public Instr., since 1847.	By people	4
Maine . . .	Secretary State Bd. of Educ., 1846–52;		
	Superintendent of Public Instr., since 1854.	By governor	3
Maryland . .	Superintendent of Public Instr., 1826–1828;		
	Superintendent of Public Instr., 1864–68;		
	Principal normal school, *ex officio* Supt., 1868–1902;		
	State Supt. of Public Instr., since 1902.	By governor	4

Massachusetts	Secretary State Bd. of Educ., 1837–1909;		
	Commissioner of Education, since 1909.	By board	5
Michigan . .	Superintendent of Public Instr., since 1836.	By people	2
Minnesota . .	Territorial Supt. of Publ. Instr., 1849–55;		
	Chancellor State Univ., *ex officio* Supt., 1860–62;		
	Secretary of State, *ex officio* Supt., 1862–67;		
	Superintendent of Public Instr., since 1867.	By governor	4
Mississippi . .	Secretary of State, *ex officio* school commissioner, 1846–1851;		
	Superintendent of Publ. Instr., since 1870.	By people	4
Missouri . . .	State Supt. of Common Schools, 1839–41;		
	Secretary of State, *ex officio*, 1841–53;		
	State Superintendent of Schools, 1853–61;		
	Secretary of State, *ex officio*, 1861–65;		
	Superintendent of Public Instr., since 1865.	By people	4
Montana . .	State Supt. of Publ. Instr., since 1889.	By people	4
Nebraska . .	State Librarian, *ex officio* Supt. 1855–61;		
	Territorial Auditor, *ex officio* Supt. 1861–69		
	State Supt. of Public Instr., since 1869.	By people	2
Nevada . . .	Superintendent of Public Instr., since 1862.	By people	4
New Hampshire	State School Commissioner, 1846–50;		
	Superintendent of Public Instr., since 1867.	By governor	2
New Jersey . .	State Supt. of Public Schools, for 2 counties (Essex and Passaic), 1845–46;		
	Same, for whole state, 1846–1911;		
	Commissioner of Education, since 1911.	By governor	5
New Mexico .	Territorial Supt. of Public Schools, 1863–1911;		
	Superintendent of Public Instr., since 1912.	By people	2
New York . .	Superintendent of Common Schools, 1812–21;		
	Secretary of State, *ex officio* Supt., 1821–54;		
	Superintendent of Public Instr., 1854–1904;		
	Commissioner of Education, since 1904.	By regents	Indef.

EVOLUTION, APPOINTMENT, ETC. — *Continued*

STATE	EVOLUTION OF THE OFFICE	ELECTION OR APPOINTMENT	TERM IN YEARS
North Carolina	Superintendent of Common Schools, 1852–66; Superintendent of Public Instr., since 1868.	By people	4
North Dakota	Territorial Supt. of Public Instr., 1864–89; State Supt. of Public Instr., since 1890.	By people	2
Ohio	Superintendent of Common Schools, 1837–40; Secretary of State, *ex officio* Supt., 1840–53; Commissioner of Common Schools, 1853–1914; Superintendent of Public Instr., since 1914.	By governor	4
Oklahoma	Territorial Auditor and Supt. Schools, 1891–1907; Superintendent of Public Instr., since 1907.	By people	4
Oregon	Territorial Supt. of Common Schools, 1849–51; Governor, *ex officio* Superintendent, 1857–72; Superintendent of Public Instr., since 1872.	By people	4
Pennsylvania	Secretary of State, *ex officio* Supt., 1834–57; Superintendent of Common Schools, 1857–73; Superintendent of Public Instr., since 1873.	By governor	4
Rhode Island	Secretary of State, *ex officio*, 1838–43; State School Agent, 1843–45; State Commissioner of Public Schools, since 1845.	By state board	1
South Carolina	Comptroller of State, for returns, 1812–68; State Superintendent of Education, since 1868.	By people	2
South Dakota	Territorial Supt. of Public Instr., 1864–89; State Supt. of Public Instr., since 1889.	By people	2

Tennessee . .	Secretary of State, *ex officio* Supt., 1835–44; State Treasurer, *ex officio* Supt., 1844–61; State Supt. of Common Schools, 1867–70; State Treasurer, *ex officio* Supt., 1871–73; Superintendent of Public Instr., since 1873.	By governor	2
Texas . . .	State Treasurer, *ex officio* Supt., 1854–61; Superintendent of Public Instr., 1869–76; Secretary State Board of Education, 1876–83; Superintendent of Public Instr., since 1883.	By people	2
Utah	Territorial Supt. of Common Schools, 1855–76; Territorial Supt. of District Schools, 1876–87; Territorial Commissioner of Schools, 1887–96; Superintendent of Public Instruction, since 1896.	By people	4
Vermont . .	Secretary of State, for returns, 1827–33; State Superintendent of Schools, 1845–51; Secretary State Bd. of Education, 1856–74; Superintendent of Education, since 1874.	By legislature	2
Virginia . . .	Superintendent of Public Instr., since 1870.	By people	4
Washington	Territorial Supt. of Schools, 1871–89; State Supt. of Public Instr., since 1889.	By people	4
West Virginia .	State Supt. of Free Schools, since 1864.	By people	4
Wisconsin . .	State Superintendent of Public Instr., since 1849.	By people	4
Wyoming . .	Territorial Auditor, *ex officio* Supt., 1869–71; State Librarian, *ex officio* Supt., 1873–80; Territorial Supt. of Public Instr., 1880–90; State Supt. of Public Instr., since 1890.	By people	4

incumbent of said office shall hold the same during the term for which he has been elected, and until his successor is duly elected and qualified. [L. O. L. § 3943.]

2. *Election and Salary of Superintendent.* A Superintendent of Public Instruction shall be elected at the general election of the year 1902, and every four years thereafter, and shall qualify and enter upon the duties of his office on the second Monday in January following his election. He shall receive annually a salary of $3,000, payable by the State as the salaries of other State officers are paid. [L. O. L. § 3944.]

3. *Office of Superintendent.* He shall be provided with an office at the State Capitol, furnished with the necessary stationery, lights, fuel, etc., to be paid for by the State as the expenses of other State officers are paid. [L. O. L. § 3945.]

4. *Duties of Superintendent.*

a. It shall be the duty of the Superintendent of Public Instruction to exercise a general superintendence of the county and district school officers and the public schools of this State.

b. He shall visit, as far as practicable, every county in the State, annually, in the interest of education.

c. He shall attend county institutes within the State and educational meetings out of the State when practicable, and shall assist in the organization and development of institute work in each county; he shall visit, as often as practicable, the principal schools of the State for the purpose of inspection and supervision; and he shall also keep statistics of the condition of schools, buildings, appurtenances, apparatus, libraries, the conduct and standing of pupils, methods of instruction, and the discipline and government of schools, etc.

d. He shall visit in person, when practicable, all the chartered educational institutions of the State, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature.

e. Shall Furnish Blanks, etc. He shall prepare and distribute to the various county school superintendents in the State such a uniform series of blanks, registers, forms, rules, and regulations as he may deem necessary for the administration of the school laws; and the Secretary of State shall cause the same to be printed. County school superintendents shall receipt to the Superintendent of Public Instruction for all supplies received, and distribute the same to the various district clerks, taking their receipts for the same.

f. Shall Act as Secretary State Board of Education. He shall act as secretary of the State Board of Education. He shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the school laws throughout the State.

g. He shall, whenever he may deem the same expedient, issue printed letters and circulars to school officers pertaining to any subject relative to the duties of teachers, directors, pupils, parents and guardians, the management of schools, and all other questions of general and special interest to the cause of education.

h. Shall Decide Cases Submitted to Him on Appeal. He shall decide, without cost to the parties, all questions of doubt that may be submitted to him, and all disputes that may be appealed to him from the county school superintendents, concerning the proper administration of the school laws of this State and of the rules and regulations of the State Board of Education, and concerning the ministerial duties of school officers and teachers; but he may, in his discretion, submit any such question or dispute to the State Board of Education, who shall then decide the same. The State Superintendent, or the State Board of Education, may require the opinion, in writing, of the Attorney General concerning such questions or disputes, whose duty it shall be to give the same. The State Board of Education shall adopt reasonable rules of procedure to govern the submission of such questions, and the trials and appeals provided for in this act. The decision of the State Superintendent or of the State Board of Education, as herein provided, shall guide school officers and teachers in the discharge of their duties in respect to the matters so decided; but this section shall not be construed to deprive any person of his ordinary remedy in a court of competent jurisdiction.

i. Shall Hold State Teachers' Association. He shall, once in each year, cause to be held a State teachers' association, at such time and place as in his judgment will best promote the general interests of education.

j. Traveling Expenses. He shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the State; *provided*, that such sum shall not exceed $900 per annum; *provided, further*, that every such claim shall be verified by the Superintendent of Public Instruction, and said Superintendent of Public Instruction shall receive no other salary or fees or perquisites for the performance of any duties required by

law as said superintendent or member of any board. [L. O. L. § 3946.]

5. *Biennial Reports — Subjects of.* The Superintendent of Public Instruction shall report to the legislative assembly, biennially, in the same manner and at the same time that other State officers make their reports. His reports shall contain:

a. The general condition of the public schools of the State;

b. The amount of school money apportioned among the several counties, and the sources whence such money was derived;

c. The amounts raised by county and district taxes, and the amounts paid for teachers' salaries, buildings, furniture, etc.;

d. The series of text-books authorized in accordance with the provisions of the law;

e. The rules and regulations prescribed by the State Board for the government of public schools;

f. The number and grade of the schools in each county;

g. The number of persons between the ages of four and twenty years, the number attending public schools, the number attending private schools, and the number not attending any school;

h. Any and all information that in his judgment may be useful to the public, and for the advancement of the educational interests of the State. [L. O. L. § 3947.]

6. (Validates existing teachers' certificates.) * * *

7. *Certificates Issued by Superintendent of Public Instruction.* All certificates, except temporary county certificates and certificates in cities of over 100,000 inhabitants shall be issued by the Superintendent of Public Instruction. [L. 1911, Ch. 58, p. 86, § 2.]

(Here follow 15 pp. of details as to the recently-instituted state examination system — §§ 8–44.)

8. *State Superintendent Shall Employ Agricultural Assistants.* The State Superintendent of Public Instruction is hereby authorized to employ two assistants, whose duty it shall be to travel throughout the counties of the State and supervise and promote the development of industrial work in the public schools, including such subjects as agriculture, manual training and home economics, and promote industrial school fairs and school garden contests in conjunction with such instruction, under the direction of the State Superintendent of Public Instruction and in coöperation with the said State Agricultural College; and, so far as practicable, in accordance with the views and wishes of the respective superintendents of public instruction of the several counties; and for the purpose of defraying the salaries and traveling expenses of such assistants, and other expenses incident to their work, there is hereby appropriated the sum of six thousand dollars ($6,000)

per annum; the same to be paid out of any moneys in the general fund of the State not otherwise appropriated, commencing with the first day of January, 1913. [L. 1913, Ch. 110, p. 186, § 7.]

III. The Office of State Superintendent

[Extract from an article on "A Constitutional State Board of Education," by Reed, Thomas H.; in *Sierra Educational News*, January, 1913, pp. 19–21.]

The first great point of weakness in our system of educational administration is the method of selecting a State Superintendent of Public Instruction by popular vote. Such a man rarely employs the obvious influence of the place to do more than strengthen his own hold upon it. Popular election stands as an insuperable bar to the extension of the powers of the superintendent. The promotion of the efficiency of our rural schools absolutely demands that the superintendent possess regulatory instead of simply recommendatory powers over the work of such schools. Such a task requires genuine administrative ability and technical training, qualities which are not often found in company with the arts by which an educator commends himself to the managers of a great political party, or with the larger talent for self exploitation which is the only substitute for such managerial support. The superintendency in a great state requires years of experience, and ought to be the culmination of a successful career. The choice of superintendents should not be limited to the narrow field of California, but should be made from the country at large. All this is impossible if the place is filled by election. Real experts in good positions will not risk the chances of the wheel of politics. A citizen of New York, for example, cannot stand for election in California. It is a general principle of political science that experts cannot be chosen by election.

It would seem, therefore, that the Superintendent of Public Instruction should be appointed by some authority. This result will be reached in the course of the movement for a "short ballot" if it is not anticipated by educational reform. It is not unreasonable to urge that the superintendent should be appointed by the governor and that education should be made simply one of the departments of state government. There are, however, certain considerations which weigh very heavily against such a plan. Education is by very many times the most important branch of administration in the state, both as to the magnitude and multi-

tude of its activities. It is easily first in the amount of money expended, the number of persons employed and the proportion of the population directly affected. Over this vastest of public enterprises the superintendent of public instruction should exercise a great and positive control. From these facts flow two important conclusions. The first is that, under present political conditions, in a state where traditions of expert administration are by no means firmly established, it is unsafe to give the governor the appointment of an officer who is, or should be, so powerful. The temptation of such an easy opportunity to put the educational system of the state into " politics " might well prove too much for a weak or ambitious governor. The only protection, beyond this dubious one of the gubernatorial conscience, would be an enlightened public sentiment for expert service which is only just beginning to make itself felt in California. The mere fact that the present governor is honest and capable should not blind us to the possible action of his successors. The second conclusion is that the field of educational administration is so broad and involves so much that is technical and professional that the governor has not the time nor the training necessary for its successful supervision. He is by no means always capable of intelligently criticising the superintendent, and never could find the time for exercising this capability if he had it. Several months' service in the office of the most vigorous and active governor in the history of California has given the writer an intimate knowledge of the crowded life of the state executive. There is no time in his office for checking the conduct of a superintendent of public instruction.

The only alternatives would be election by the legislature or appointment by a state board of education. The first of these alternatives has against it every argument which might be employed against appointment by the governor, and many more. The comparative irresponsibility of the individual legislator makes it possible in that body to undertake political thuggery, which the worst governor would never even contemplate. We are left therefore, only the last alternative, appointment by the state board of education. This body, if properly constituted, might select a superintendent on a rational basis, and effectively criticise and control him after selection.

IV. State Boards of Education

Type forms of organization and types of duties for such boards are here illustrated by selections from laws and con-

stitutions. The first, from the Oregon laws, illustrates well the type of state board composed *ex officio* of state officials.

1. *The Oregon State Board of Education*

[From *Oregon School Laws* (1913), pp. 28–29.]

1. *State Board, How Constituted.* The Governor, Secretary of State, and Superintendent of Public Instruction shall constitute a State Board of Education. [L. O. L. § 3948.]

2. *Meetings of — Printing for.* The meetings of the board shall be held semi-annually, at the State Capitol, on the first Monday in January and July. All needed stationery for the use of the board shall be furnished by the Secretary of State, and any printing authorized by the board shall be done by the State Printer, at rates allowed by law for other State work. [L. O. L. § 3949.]

3. *Powers Enumerated.* The board shall have power:

a. Authorize Text-Books. To authorize such series of text-books to be used in the public schools as shall be adopted by the text-book commission.

b. Prepare Course of Study. To prepare a State course of studies for grammar grade schools. The Secretary of State shall cause the courses of study to be printed, and the State Superintendent shall send copies of the same to the various county superintendents, who shall properly distribute them to the boards of directors of the several districts, for use in public school work.

c. Prescribe Rules. To prescribe a series of rules and regulations for the general government of public schools, and for the maintenance of discipline therein.

d. To use a common seal.

e. To order any printing that may be necessary to carry into effect the provisions of this act, said printing to be done by the State Printer. [L. O. L. § 3950.]

4. *State Board Shall Indicate Sources for Questions on Theory and Practice.* It shall be the duty of the State Board of Education to indicate, at least one year before any examination for a county certificate, the sources from which at least sixty per cent of the questions in theory and practice will be selected by said board for said examination. [L. O. L. § 3989.]

5. *Publication of Proceedings.* The proceedings of each session of the State Board of Education shall be published for general

distribution, containing in addition to the ordinary proceedings, the names of the successful applicants and the certificates granted. [L. O. L. § 3959.]

The next selection illustrates the type of state board composed in large part *ex officio* of school officials.

2. *The Indiana State Board of Education*

[As reconstructed by Act approved March 4, 1899. From *Indiana Revised Statutes* of 1908.]

1. **State board of education.** The governor of the state, the state superintendent of public instruction, the president of the state university, the president of Purdue university, the president of the state normal school, the superintendent of common schools of the three largest cities in the state, and three citizens of prominence actively engaged in educational work in the state, appointed by the governor, at least one of whom shall be a county superintendent, none of whom shall be appointed from any county in which any other member of the state board of education resides, or from which any other member was appointed, shall constitute a board to be denominated the Indiana state board of education. The three members to be appointed by the governor shall be appointed immediately upon the taking effect of this act. One of such members shall be appointed for one year, one for two years and one for three years from the date of his appointment, and each of said appointees shall serve until his successor shall have been appointed and qualified; and after the first appointment the governor shall annually appoint one such member to serve for the term of three years, to take the place of the member whose term shall have then expired; and the governor shall further have power to fill all vacancies that may occur in the office of any such member who holds his office by appointment from the governor. The size of the cities shall, for this purpose, be determined by the enumeration of children for school purposes annually reported by school examiners to the superintendent of public instruction. The superintendent of public instruction shall, ex officio, be president of the board, and in his absence the members present shall elect a president pro tempore. The board shall elect one of its members secretary and treasurer, who shall have the custody of its records, papers and effects, and shall keep minutes of its proceedings: Provided, That such records, papers, effects and minutes shall be kept at the office of the superintendent, and shall be open for his

inspection. The said board shall meet upon the call of the president, or a majority of its members, at such place in the state as may be designated in the call, and shall devise, adopt and procure a seal, on the face of which shall be the words "Indiana State Board of Education," and such other device or motto as the board may direct, an impression and written description of which shall be recorded on the minutes of the board and filed in the office of the secretary of state, which seal shall be used for the authentication of the acts of the board and the important acts of the superintendent of public instruction. (R. S. 1908, § 6309.)

2. **Duties and powers.** Said board, at its meetings, shall perform such duties as are prescribed by law, and may make and adopt such rules, by-laws and regulations as may be necessary for its own government, and for the complete carrying into effect the provisions of the next section of this act, and not in conflict with the laws of the state, and shall take cognizance of such questions as may arise in the practical administration of the school system not otherwise provided for, and duly consider, discuss, and determine the same. (R. S. 1908, § 6310.)

[The board acts as a text-book commission for the state. Previous to 1913 it also acted as a board for the inspection of high schools.]

3. **State certificates.** Said board may grant state certificates of qualification to such teachers as may, upon a thorough and critical examination, be found to possess eminent scholarship and professional ability, and shall furnish satisfactory evidence of good moral character. They shall hold stated meetings, at which they shall examine all applicants, and those found to possess the qualifications herein above named shall receive such certificate, signed by the president of the board, and impressed with the seal thereof; and the said certificate shall entitle the holder to teach in any of the schools of the state without further examination, and shall also be valid during the lifetime of said holder, unless revoked by said board. Each applicant for examination shall, on making application, pay to the treasurer of the board five dollars as a fee. (R. S. 1908, § 6311.)

4. **Pay and mileage of board.** The members of said board, other than the governor and state superintendent of public instruction, shall be entitled to receive for their services, while actually engaged in the duties of their office, five dollars per day and five cents per mile necessarily traveled while so engaged; which amount shall be certified by the board to the auditor of the state, who shall draw his warrant therefor, payable out of the general fund, which sum shall be reimbursed to the general fund by

the treasurer of the board paying into it that amount out of the money received by him as fees for certificates; and if there be any residue of money received as such fees, it shall be expended by the superintendent of public instruction in the purchase of suitable books for an office library. Said board shall be allowed the necessary expenses incurred in the discharge of the duties required of the same, for clerk hire, postage, etc.; which expenses shall be paid as the expenses of the members of the board are paid. (R. S. 1908, § 6319.)

The next selection illustrates a recent educational reorganization, and the creation of a state board of very large powers.

3. *The Oklahoma State Board of Education*

[Chapter 47, Session Laws, 1910–1911]

1. **State Board of Education Created:** The state board of education shall consist of seven members including the state superintendent of public instruction, who shall be the president, and six members appointed by the governor by and with the advice and consent of the senate, for a period of six years, except as hereinafter provided. The appointive members shall possess the same qualifications and be subject to the same restrictions and limitations as are now required of the text-book commission, and at least two of them shall be practical school men who shall have had at least four years experience in actual school work, two years of which shall have been in the state of Oklahoma. Upon the passage and approval of this act two members shall be appointed for a term ending June 30, 1913, two members for a term ending June 30, 1915, and two members for a term ending June 30, 1917, subsequent appointments, except to fill vacancies, shall be for the full term of six years. The appointive members of said board shall receive as compensation for their services the sum of six dollars ($6.00) per day, their necessary traveling expenses, and actual hotel expenses not to exceed three dollars ($3.00) per day, while in the performance of their duties, and they shall not be removed during their term of office except for cause. There shall be appointed by the president to be approved by said board a secretary, who shall receive a salary of two thousand dollars per annum, and a stenographer who shall receive a salary of twelve hundred dollars per annum, payable monthly, and said positions are hereby created.

2. **Powers and Duties:** The state board of education, organized in pursuance of this act, shall be the legal successor of the state

board of education as it now exists, the state text-book commission, the board of regents of the State University, the board of regents of the university preparatory schools at Tonkawa and Claremore, the board of education now in control of the state normal schools, the board of regents of the Oklahoma Industrial Institute and College for Girls at Chickasha, the board of regents of the School of Mines and Metallurgy at Wilburton, the board of control of the School for the Deaf at Sulphur, the board of control for the School for the Blind, the board of control of the Boys' Training School at Pauls Valley, the board of control of the Orphans' Home at Pryor Creek, the board of control of the Institution for the Feeble-minded at Enid, the board of regents of the Colored Agricultural and Normal University at Langston, the board of regents of the Institute for the Deaf, Blind and Orphans' Home for the colored at Taft; and shall have all the powers, rights and privileges heretofore legally exercised by said boards: Provided, nothing in this act shall invalidate any contracts entered into by the text-book commission. Said board shall have the following additional powers and duties:

a. The general supervision of the public schools of the state.

b. To formulate and adopt courses of study for the common schools and county normal institutes; and arrange courses of study, and adopt textbooks for use in the higher educational institutions of the state.

c. To formulate rules and regulations governing the issuance of all certificates to teach in the public schools of this state.

d. To prepare questions for the examination of applicants for county and city certificates to teach in the public schools of the state.

e. To examine applicants for state certificates, to teach in the public schools of the state, and for conductors' and instructors' certificates to teach in the county normal institutes.

f. To prepare examination questions for graduates from the eighth grade of the public schools.

g. To classify the public high schools of the state and properly accredit them to the various higher educational institutions of the state.

h. To formulate and adopt courses of study for state pupils' reading circles and for state teachers' reading circles; and to select books to be used in said reading circles, and to prepare questions for the issuance of reading circle certificates.

i. The state board of education shall make a biennial report to the governor and legislature, setting forth the work of the board and the conditions of the schools of the state. The board

shall also prepare and submit to the governor thirty days before the convening of each regular session of the legislature a budget estimating the necessary appropriations for each of the institutions under their management and control.

j. Upon application having been made in writing by the organization representing the commercial and business colleges and institutions in the state, it shall be the duty of said board to formulate rules and regulations which shall govern the organization, operation, management and control of said commercial and business colleges; the authority herein granted, is in addition to that above stated to extend to the formulation and adoption of courses of studies, the length of time necessary to complete the same, and rules and regulations governing the issuance of diplomas by said commercial colleges.

V. State Educational Organization

The following comments and extracts from important recent documents lay down fundamental principles relating to state educational organization.

1. *The State Board of Education*

[Extract from an article on "A Constitutional State Board of Education," by Reed, Thomas H., in *Sierra Educational News*, January, 1913, pp. 21–24.]

(A continuation of the article on pp. 291–292)

This naturally leads us to a consideration of the State Board of Education. We are at present treated to the unusual spectacle, in absolute defiance of the normal arrangement of such institutions, of an elected, political superintendent and an ex-officio, expert board. They have no necessary relation to one another except that the superintendent is a member of the board. As to the board itself there is nothing to be said against the honesty or competency of its individual members. They hold positions which guarantee their qualifications. It has done some things well, notably the raising of the standard for admission to the teaching profession. It has done some things not so well, especially its principal duty of selecting textbooks. As compared with the ex-officio boards of education in other states, it is, of course, composed too exclusively of persons engaged in normal school work to the neglect of primary and secondary education. The chief difficulty with the

board, however, is that it is made up of very busy persons whose full time is taken up with the important duties of the responsible executive positions which they fill and who, in consequence, can give but meagre attention to the business of the board. The present board is tolerable but not over satisfactory in its organization, while its relation to the Superintendent of Public Instruction and the administration of education is wholly erroneous.

From the point of view of the student of administration in general it appears almost self-evident that the functions of administrative boards are properly selective and supervisory. Actual administration, however, should belong to the officials selected by the board for this purpose. Such boards choose their expert servants, watch over them, mitigate the rigors of their professionalism, and stand between them and political pressure. Just as it is necessary to have on a modern automobile a " shock absorber " to minimize the jars of its operation, so it is necessary to have between the professional experts and the people a lay buffer — for example, a board which insures the proper selection and supervision of the expert, protecting him against the unintelligent judgment of the masses and the masses against expert narrowness of view. No expert is thoroughly sane. He is, inevitably, obsessed with megalomania as to the importance and wisdom of his own activities. His service needs to be tempered by lay judgment. In the best-known forms of administration, provision has been made for a combination of lay and professional service. In Germany laymen and experts serve side by side on the various boards and committees which administer the several units of local government. The lay members are always in a majority numerically, thus giving them potential control. President Lowell in his " Government of England " ascribes the merit of English administration largely to the characteristic union of lay, political, and responsible officers with professional, non-political officers responsible only to their nominal lay superiors. In the United States this system has been applied with almost uniformly excellent results to the local administration of education. Where it has gone wrong it has been because one party or other to the combination did not know its place. Boards of education sometimes try to run the schools, and superintendents or principals sometimes try to control the politics of the board. It has been applied with success to state administration of education in several instances, notably Massachusetts and New York.

From the above it is no great logical leap to the conclusion that we should have a State Board of Education, the principal duties of which should be to select and supervise the Superintendent of

Public Instruction. The "educational" work now done by the board would pass to the superintendent and the other experts in his office. The members of the board should receive no pay except the necessary expenses incident to attendance on meetings. They should, of course, be men and women of superior education and capacity. It is impossible, however, to frame an educational qualification on any rational basis, and the character of the board would have to be left to the appointing authority. It should be appointed by the governor. Election by the legislature is by no means a satisfactory method, and this is especially true where no traditions as to the character of the persons to be chosen are yet established. The governor's responsibility for a bad appointment would be clearer, and his motive to make good appointments consequently more effective. The term should be a long one and the members of the board should retire in rotation, so that no one governor could obtain political control of it. The term should be at least seven years, and the board might well consist of seven members — thus making the desirable odd number, one retiring on the first Monday in January of each year. The long term takes away from the governor every last motive to abuse his power of appointment. He could not hope, except by accident, to appoint during his term a majority of the board. Since he could not help himself politically by controlling its power and patronage, he would, naturally, aim to secure such credit as he might by good appointments.

Such are the main outlines of a suitable organization of our state administration of education. The next step is the consideration of the practical measures to be taken to secure it. [The article now points out the usual constitutional difficulties, and the changes necessary.] . . . If, therefore, the board is to have the long term so necessary to freedom from political domination, it must be secured by constitutional amendment.

Every lover of efficient administration should unite in urging upon our lawmakers a statute and constitutional amendment embodying a proper plan for the administrative organization of education. We must prepare to surrender our differences on numerous points of detail for the sake of securing the essentials of the reform. It is the part of those who know to present a united front and a clearly defined program to the possible slapdashery of enthusiastic ignorance.

2. *Advantages of a State Board of Education*

[From the *Final Report Illinois Educational Commission,* 1909, pp. 50–54.]

The educational systems of the various states, like the bodies of law under which they are operated, have grown up in a more or less haphazard manner to meet the most imperative needs of rapidly increasing populations and rapidly changing conditions. At the beginning the schooling of children was left wholly to the initiative of the local communities, and rightly so for the reason that differences in social and industrial conditions, the customs, predilections and ideals of the people made the educational needs of a state essentially diverse. Moreover, a central body of any kind was too remote to act effectively as a stimulating and regulating agency. Not only were the support and management of schools a matter of merely local concern, but it was often left to each community to say whether it should have any school at all. All this was justifiable under the conditions then existing. But conditions have changed. Close interrelations of the various communities in all the states of the Union have been developed with great rapidity. The development of system in the educational work of the states, however, did not always keep pace with them. Industrial and social conditions, customs and ideals, the population itself, have become practically homogeneous. A central body to exercise supervision over the schools of a state is not now remote either in time or in space. Education has become distinctly a state function. The doctrine that the taxable property of the entire state should educate the children of the state has been generally accepted. Complete state educational systems are, therefore, needed, and a state board of education with liberal powers, and opportunity for discretion in matters of detail, is an indispensable part of such system.

One of the greatest advantages to be derived from a state board of education is systematic organization of the educational forces of the state. System means economy, the elimination of waste, immediate action to meet unexpected emergencies, orderly progress. The development of system characterizes all progress, particularly all industrial progress. Business men are quick to see the advantages of it, as is illustrated by any progressive and successful industrial corporation.

Now the educational work of a state is, in one of its aspects, a business proposition. In Illinois, for instance, there are a million pupils to be instructed, 13,000 buildings erected for that purpose,

28,000 teachers employed, all involving an expenditure of $32,000,000. If this vast business were put in the hands of business men they would instinctively begin immediately to introduce system in order to eliminate the present waste of education, and thus increase the ratio of educational results to educational expenditure. They would probably create not only an executive head of the business to insure swift action, but also a board of directors to give counsel, and to lay down rules within which this activity should be exercised.

A state board of education for the state corresponds in a way to the board of directors in an industrial corporation. The superintendent of public instruction is usually the executive head. The analogy is not perfect, but it is sufficiently close to suggest some of the advantages of a state board, and some of the possibilities of increasing the efficiency of our school systems by making them still more systematic. The superintendent needs the board of education for some of the same reasons that the executive officer of an industrial corporation needs a board of directors. He needs it for the same reason that the president needs his cabinet, and as the needs of the head of an industry are in reality the needs of the stock holders, the needs of the president those of the people, so also are the needs of a superintendent of public instruction for a state board of education in the final analysis the needs of the state.

This need will be the more conspicuous if we consider the duties that devolve upon a state superintendent who is unassisted by a board of any kind. The school law of Illinois, for instance, imposes upon the superintendent and confers upon him nine different powers. Some of these duties and powers are of the most general nature. . . . It is clear that a board of education might relieve him of some of these duties, as well as assist him by counsel. Such a board would be of invaluable assistance to him in impressing upon the people of the State the ideas which he wishes to become dominant and effective in school organization and administrative and especially to aid in supporting the policies which he endeavors to carry into effect. In a word, a State Board of Education properly constituted should increase incalculably the efficiency of the Superintendent of Public Instruction.

In addition to the advantages just described a State Board of Education should give to the school system an expansiveness that is highly desirable and that could hardly exist without it. With some discretion in matters of administrative detail it would enable the system to adjust itself more or less automatically to the changing educational needs and conditions of a growing commonwealth.

The law should define the direction of expansion and the limits within which it may take place, but it might well leave to the system some room to burgeon out without the necessity of additional legislation. If the board is essentially a rule-making body, the discretion allowed to it, while confined within safe limits, would yet afford a certain liberty of movement and freedom of adjustment which naturally belong to all things that are alive.

Again, an efficient state board is valuable to the state if it does nothing more than serve as a continuous body for the study of school problems and the dissemination of knowledge throughout the state concerning educational conditions and educational progress. The Massachusetts board has been conspicuously helpful in this respect. Its earlier reports especially not only carried information to the people of Massachusetts, but were republished by the legislatures of other states, by the British Parliament, and by the German government.

Objections

The history of school legislation in every state shows that movements in the direction of a more complete educational system usually meet with opposition. The effort to place the schools of the county under the supervision of a county superintendent of schools, and the effort to put all of the schools of the state under the supervision of a state school officer have evoked many objections. It was said that such efforts were a reflection on the existing school authorities, that they contemplated a dangerous centralization of power, that they involved the creation of new offices of doubtful utility to absorb more of the people's money, that the schools were already highly efficient. Why not let well enough alone? Such were the objections raised by the ultra-conservative. They are now seen to have been without foundation, or to have risen from a misconception of the nature and function of these offices, or a misunderstanding of the true relation of the schools of a community to the general well being of the state; and county and state supervision of schools has become a well established policy. The same objections are heard again, however, when it is proposed to create a State Board of Education.

The main objection to the creation of a State Board of Education is that it involves an undesirable, if not dangerous, centralization of power. To this it may be said that, in this case, the fear arises partly from a failure to distinguish between a true centralization of power and an organization of functions or duties. When a superintendent of public instruction is provided for, he is usually

clothed with great power. But the special activities necessarily connected with the full exercise of this power are distributed among various agencies. To gather them up, organize and unify them under a central board should not be regarded as a centralization of power as usually implied by that expression.

The second objection is that a board of education may be so constituted as to be or to become a political body with selfish or partisan ends and with no deep and abiding interest in educational problems or the welfare of the schools. This is a real danger, but it may be avoided by the adoption of a wise method of constituting a board. The experience of the various states seems to point to the selection of the members of the State Board of Education by appointment as the least objectionable. . . . Only one state board of education in the country is elected by popular vote, and this is a board whose powers and duties are relatively few and simple. Constitution by appointment is, therefore, in harmony with the practice of other states as well as in accordance with the conclusions reached from a purely rational consideration of the subject.

We may say, then, in concluding the discussion of the State Board of Education, that such a body should increase the efficiency of a school system by introducing greater economy, and by increasing its responsiveness to newly arising conditions and needs; that it involves no dangerous centralization of power, that, if properly constituted, it would be an agency by means of which the entire State could avail itself, without any considerable additional expense, of the wisdom of disinterested and high-minded citizens in devising educational policies, in guarding the schools from ill-advised, ill-considered or hostile legislation, and in assisting the chief school officer of the State to perform more efficiently the duties imposed upon him by law, but which under present circumstances are too often such as no single officer can adequately perform. The indications afforded by the development of educational administration are that state boards of education are to occupy an increasingly important relation to the educational activities of the various states.

3. *The Reorganization of the Agencies for Administration*

The fundamental principles underlying good state educational organization are well stated in a recent report made at the request of the Educational Commission of the State of Vermont.

[From *Study of Education in Vermont*, Carnegie Foundation for the Advancement of Teaching, Bul. 7, 1914, pp. 148–152.]

A study of the chief historical stages in the educational evolution of the state for the past one hundred years furnishes justification for the statement that Vermont has never completely assumed a definite constructive responsibility for the progressive development of the public school system; has never clearly regarded this system as an institution and instrumentality of the commonwealth. This may be accounted as a natural result of a combination of influences. Among these are the sturdiness and independence of local communities under the characteristic New England scheme of government, the comparative isolation of the several principal geographic sections of the state from one another, and the absence of any dominating city centres of population.

This absence of a positive state policy explains in large measure the lack of a proper state machinery for the administration, supervision, and inspection of the common schools and other public educational institutions.

The establishment of the first State Board of Commissioners for Common Schools in 1827 and its abolition in 1833; the creation of the office of State Superintendent of Common Schools in 1845; the refusal of the General Assembly to appoint a State Superintendent in 1851 and the resulting absence of any state supervision for the following five years; the creation of a State Board of Education in 1856, which continued until 1874, when the office of the State Superintendent was reëstablished; the creation of another State Board of Education in 1908 as the successor of a Board of Normal School Commissioners created in 1898; and the passage by the legislature of 1912–13 of the act creating the present State Board of Education with its partial and ambiguous authority over the several parts of the educational system, — make clear the lack of a well-planned, continuous educational policy.

A casual examination of the general scheme of the state's government of the system of education, and of the constitution and powers and duties of the several boards and officers composing this educational government, reveals immediately a situation favorable to discontinuity of organization and to waste in operation.

A marked general tendency of the past two decades has been the development throughout our American states of the type of school government whereby an increasing authority and responsibility are centred in state boards and officers. This tendency is undoubtedly a consequence of the wider recognition of the fundamental social policy that public education, in order to provide an

equitable distribution of educational opportunities, must be assumed by the state rather than by local governmental units, — district, town, county, and city. The recognition of this larger state responsibility results in the exercise of a large amount of control directly by the state. This trend whereby the influence of the state in education is enlarged and vitalized is customarily expressed by the phrase, "centralization of state control." The first and most evident result of this centralizing movement has been the erection of a new form of state machinery for the oversight of public educational activities, especially as regards elementary, secondary, special, and supplementary schools. This organization is not intended to take away the rights of local communities to govern their own schools, nor to weaken their responsibility for school support. It aims simply to provide, along with moderate financial aid, a system of scrutiny and supervision that shall make for a wider school opportunity, more uniform conditions, and freedom from some of the more objectionable local limitations. The state is the only agency that can undertake this function.

The former widely adopted plan of placing the common school system of the state under the general direction of a Superintendent of Public Instruction, elected by popular vote or chosen by the legislature, is being replaced by a plan that assigns the public school organization of the state to the general control of a small board or commission appointed by the governor, with or without legislative confirmation. Such a board or commission is usually designated as "The State Board of Education." Recent examples of such boards, newly constituted or reorganized, are to be found in Massachusetts, Pennsylvania, Oklahoma, Idaho, New Jersey, and elsewhere. The modern state board of education embodies the fundamental governmental principle of the immediate suzerainty of the state over the public school. As to the essential constitution and internal organization of the centralized state board of education, the following general principle is now accepted: It is a representative board of laymen, few in number, receiving no compensation, appointed and constituted in a manner providing for responsibility of performance and securing continuity of state educational policy.

The State Board of Education is the active deputy of the people of the whole state. It is therefore composed of laymen rather than of those professionally engaged in the educational service, or of those officially connected with other branches of state government. Such a board will have in its membership no representatives of particular educational institutions or other special interests. Neither will it have any *ex-officio* members.

On the basis of the best American administrative experience, in education as well as in other governmental departments, it has come to be generally agreed that this board should consist of few members. A board of five is perhaps sufficiently large and representative. No compensation is paid for service, other than reimbursement for necessary traveling or other expenses. The members of this state board are appointed by the governor of the state for fairly long overlapping terms, and in a way that brings about the expiration of the term of but one member each year. Thus, if the board is composed of five members, one member will be appointed each year for a term of five years. Appointments directly by the governor fix responsibility. The fairly long overlapping term of office contributes to the development of a consistent and progressive school policy. All appointments should be made solely with reference to ability to serve the larger interests of the entire people of the state. Neither residence, party affiliation, incidental or temporary prominence, religion, race, sex, or specific occupation should be determining qualifications. Such a board will embody the best and highest form of disinterested personal service. Membership will be considered by the people of the state as evidence of conspicuous capacity for civic usefulness. As a safeguard for the character of the board and for the continued effectiveness of its performances, the members should be subject to removal by the governor, either with or without legislative concurrence, for gross immorality, malfeasance in office, incompetency, or neglect of responsibility.

Thus organized, the State Board of Education will fulfil its responsibility to the educational system of the state, working in accordance with the following general principles:

Subject to the general provisions of law, there will be delegated to the board the care and oversight of the entire public school system of the state. The actual administration, supervision, and inspection will be entrusted to executive officers selected by the board.[1]

[1] The question whether such a board should exercise control of the higher educational institutions of the state is one that is not here taken up. Such control might be so exercised as to interfere with the free development of colleges and universities. On the other hand, the rivalries and wasteful duplications of educational effort, with the attending political complications which come from the lack of such uniform administrations, are notorious, and cannot in the long run fail to bring upon these institutions unpleasant consequences. The state of Idaho is just entering upon such an administration of its whole system of public education. The commissioner of education, under the State Board, is the head of the whole system of schools, including the State University. In the case of the state of Vermont the absence of any state institution

The Board of Education should not itself, individually or collectively through committees of its members, attempt to perform executive functions. Within the defined statutory limits it should aim to provide ways and means to carry out the public educational policy determined by the legislature. The actual execution of these policies belongs to the expert trained officers of the board, in particular the commissioner of education, the chief of these officers, with whom first responsibility rests. In addition to this chief executive officer there ought to be a sufficient number of assistant commissioners, supervisors, and inspectors properly to care for the state's share of responsibility for the conduct and development of the schools. The selection of these executive officers represents the most important function of this board.

The commissioner should be a man of such breadth of education, of such special training, of such varied educational experience, and with such a record of successful performance, as will entitle him to be entrusted with the important responsibilities of the board. He should be selected without reference to his residence within the state, should be given an indefinite term of office, and should be subject to dismissal only upon a two-thirds vote of the entire membership of the board. There should be attached to the office a salary to be determined by the board, of sufficient size to attract and retain a skilful and successful man. The new state of Idaho, with a population smaller than that of Vermont scattered over an area nine times as large, pays its commissioner of education $6000.

The success of the educational administration will depend no less on the personnel of the board than on the abilities of the chief executive officer. Hitherto American governmental boards have not reached a high order of efficiency. We are now developing in larger numbers the type of man adapted for the duties of trustee membership, — a man who, while not an educational expert, has an intelligent interest in education, and is ready to give time and thought to the problems of the board and to bring to the aid of the executive officers a sound judgment and a mind keenly interested. The members of such boards have generally tended to fall into one of two errors, — either to become dummy directors, leaving the entire responsibility with the executive, or else to go to the other extreme and desire to become themselves executives. The busi-

of higher learning simplifies its problem of educational administration. The State Agricultural College, supported by funds furnished the state by the general government, has been placed by the state under the control of a board organized as described in another section.

ness of such a board is to govern, not to administer. To fill such a place on a board of education is to render to the state service of the highest order.

Acting through its officers, the Board of Education ought to have general control of the entire educational system of the state. This will include not alone the elementary and secondary schools, vocational schools, and any school established for the training of teachers, but also schools for the training of special classes, the educational departments of charitable and penal institutions, and all supplementary educational activities, including those relating to libraries, which are properly a part of the state educational system.

Such oversight will involve the estimation and preparation of a budget for educational expenses, the enforcement of laws relating to schools and other institutions of learning, the classification and unification of the public schools, the establishment of uniform records and reports, the determination of the qualifications of teachers and their certification for the elementary, secondary, and special schools, and the recognition of certificates and diplomas from other states. The board should, as the supervisor of the expenditure of all state money for educational purposes, inspect all institutions and report upon their use of such funds.

The board in coöperation with the state board of health should establish standards for the construction, arrangement, and sanitary equipment of school buildings and school sites; and should direct the medical inspection and study of public health as far as the schools are concerned. Such a program ought to include also a systematic effort to inform the people of the whole state as to the opportunities of their own schools. A serious defect of the present situation lies in the fact that it is not easy for the average parent to obtain disinterested educational advice concerning his children, or unprejudiced information concerning the nearby agencies of education.

The necessity for such a board has already been fully realized by those who have given serious thought to the educational problems of the state. The creation of the existing board of education came as a result of this conviction, and its creation was a long step in the direction of better organization and a clearer differentiation of duties. The existing board is defective, however, particularly in the restricted authority that is given to it and in its ambiguous relation to the superintendent of education. Its reorganization in accordance with the following recommendations would be the necessary initial step for the establishment of a state system of education adapted to the needs of all the people of the state. A

rightly constituted board with competent experts will step by step revise the curriculum of the elementary and secondary schools, provide facilities for the training of teachers, and meet the other problems of state education as they arise.

It is recommended, therefore, that the existing state board of education be reorganized so as to provide for a board of five members to be appointed by the governor, one member to be appointed each year for a term of five years; that this board have general control of the entire educational system of the state; that the powers and duties now belonging to the present Board of Education, to the Trustees of the Permanent School Fund, to the Trustees of the State Schools of Agriculture, to the Board of Trustees of the State School for Feeble Minded, to the Commissioner of the Deaf, Blind, Idiotic, Feeble-Minded Children of Indigent Parents, and the State Board of Penal Institutions, in so far as the Industrial School is concerned, be transferred to this board; that the chief executive officer of the board be a commissioner of education to be chosen by the board under such conditions and at such compensation as shall guarantee the service of a progressive educational leader; that provision be made for the appointment of not less than four directors or deputy commissioners, — one for rural schools, one for secondary schools, one for vocational schools (including agriculture), and one for extension activities. In addition there should be provided in the appropriation for the state board of education a sum of money to cover the expenses of the board, the pay of assistants and of clerks in the office of the commissioner of education, and the necessary traveling expenses. Owing to the impossibility of correctly estimating all of these items in advance, it would be of great advantage, and ultimately in the direction of economy and efficiency, if in addition to the sum set aside for the salaries of the commissioner and his deputies a lump sum were for the first two years placed at the disposal of the board, to be accounted for subsequently in the form of an itemized budget.

4. *A Right System of Schools for an American Commonwealth*

The extract which follows gives a clear and a very comprehensive statement of the position of the modern state in the education of citizens, and the responsibilities of the state in the matter.

[Pritchett, Henry S., in the *6th An. Rept. Carnegie Foundation for the Advancement of Teaching*, 1911, pp. 119–122.]

The various states of the American Union have with practical unanimity accepted the position that the obligation for general education rests upon the state. This conclusion has been reached in the course of a hundred years of history, during which most of these states have grown from pioneer communities to commonwealths of considerable population and wealth.

The beginnings of the educational systems in all of the states were practically the same. Private initiative led the way. In their earlier history the state governments were only too glad to encourage any effort that looked toward education. Private individuals, denominations, and associations of citizens were encouraged to start educational enterprises, whether they aimed to be elementary schools or institutions of higher learning.

At first in New England and the middle west, and much later in the southern states, with increased population and increased differentiation in employment and increased wealth, the state governments one by one undertook the creation of a general system of public schools, first of elementary and secondary schools, and finally of institutions of higher learning as well, so that in many of the states of the Union one finds to-day a system of general education reaching from elementary school to university, under the control of the state. Alongside of these state tax-supported institutions are a number of institutions under private control whose relation with the state system of education is ill defined and rests in the main upon the ideal of education held by those who conduct the separate institutions. It is only within the last decade that the question of relating these independent institutions to the state-developed system of education has become a pressing one. Until that time education of any sort was held to be so desirable that any kind of school was welcome. Furthermore, the state systems were so incomplete that the privately managed school could find a place in either secondary or higher education. With the gradual rounding out of the elementary and secondary school systems of the various states this situation has

changed, and to-day the state begins to concern itself with the relations of these institutions which exist under its laws, but practically outside of its educational jurisdiction. Only within a few years have the states grown into an educational self-consciousness and have begun to ask themselves how they ought to deal with these detached and unrelated schools. How, in fact, ought they to deal with their own institutions, which in many cases have had as little consideration for the general system of education, and have been as truly competing institutions, as have those that were in the hands of private individuals?

The development of the organized school system resembles curiously in its history the development of the system of railroads. In the pioneer days any railroad built under any circumstances was welcome. It was only as the country grew up, as population became more dense, and as industrial and political problems became more pressing, that the various states turned about to examine what kind of railroad system had grown up under this loose régime, and to seek to bring into the hands of the state once more some sort of authority over systems of railroads that had been allowed to develop in such independence.

The beginnings of this change of attitude on the part of the various states toward educational systems are shown in the appointment in the last three years of commissions in one state or another to deal with the question of education. In Iowa a single board has been appointed to take charge of the three state institutions of higher learning. The state of Oklahoma, with characteristic fearlessness, has appointed a single board to govern eighteen state institutions, of which eleven are educational. The state of Virginia has appointed a commission to examine and to report upon the right relations of all of its institutions of higher learning. A similar commission has been created in Kansas.

In nearly all cases these commissions were originated for the purpose of examining existing state institutions whose lack of coöperation had become evident to the state authorities, but no sooner do such commissions begin their work than they find themselves face to face with a much larger question, namely, what sort of system of schools ought an American commonwealth to foster?

This is a very different question from that which was brought to the attention of these commonwealths in their earlier educational history, — as different as the problem of railroad regulation in the central west to-day is from the problem of railroad construction fifty years ago. It is a question that touches every interest in the state, if it is answered fully and wisely, and to an-

swer this question fully and wisely required the very best thinking of which civilized and educated men are capable.

It is generally admitted to-day in all countries that the state must furnish to all its citizens the opportunity for a general elementary education. In the more advanced countries it is further recognized that the state must deal also with vocational training, certainly with industrial vocations and perhaps with professions. In a word, a state that to-day addresses itself to the problem of education must consider a system of schools which shall train the whole population in those fundamentals that make for good citizenship, and it must establish as well at the right points of articulation with this system, industrial training schools appropriate to the wants of the various communities, and it may foster in addition a fair number of professional schools for those seeking to enter the professions. It does not follow that because industrial education, for example, is a necessary part of modern educational training, that the state itself must establish the local schools which serve particular communities, any more than it would be called upon to establish local schools to train doctors and lawyers and engineers, but it does mean that the state, in considering its problem of education and the system of schools that it will conduct, must so plan that the system of schools established by it shall minister to the training of the individual in his vocation, whether that vocation be an industry or a profession.

It needs only a statement of this problem to make clear the fact that the question that these state commissions and that the states themselves face to-day is a very much larger problem and a very much more difficult one than the problem that the states have attempted hitherto. For example, the matter of agricultural education is one with which the state has dealt by the establishment of an agricultural and mechanical college, but the experience of forty years has shown that such schools train men for professional life, not for industrial life, and that if men are to be trained effectively for the work of the farmer, local industrial training for agriculture must be established by the separate communities, either with state aid or without. But in any case such schools will not be established successfully unless the state in its educational supervision and in its educational policy provides a system of schools that shall minister to agricultural training.

There are to-day two notable examples of the attempt to deal with this question, the one in Germany, the other in Japan. In the German Empire, as in the United States, the question of education is for the federated states, the local schools being conducted and managed by local agencies, but under the supervision

of the state bureau of education, which is notably efficient and far-sighted. One finds here a combination of state and community effort producing a truly national effect, due in large measure to the unifying supervision that comes from the state.

Japan, on the other hand, has undertaken to create a new system of schools fitted to the needs of its population, the experiments being conducted entirely through the agency of the imperial government.

It is a hopeful sign that our American states have begun to deal with this question from the general, not from the local standpoint, and although little progress has yet been made in determining how to organize, how to supervise, and how to conduct a state system of schools which shall minister at once to the general education of the whole people and to the training of communities and of individuals for particular vocations, the very fact that the state authorities have begun to think of the question is itself a matter of encouragement. One may well hope that the next ten years will see real progress toward carefully thought out and well-conducted state systems of education. The first steps would seem to be an educational study of the particular state, of its schools, of the industries of its inhabitants, and of the approximate needs that the state is likely to feel in the various vocations and professions. Following such a study, the state might well lend itself to the gradual development of a system of schools which shall undertake to minister to the whole population of the state, both in the larger educational sense and in the vocational sense. It is out of some such experience and out of some such study that our American states will develop, if they develop at all, systems of education which shall answer the needs of the whole population. The question at the moment for any one of these commonwealths is to find a body of experts competent to study the educational situation and to give governors and legislators wise and practical advice.

The Problem of Education of Supreme Significance to a Modern State

The importance of education has long been keenly realized by the American people. We have been proud to feel that the desire for education throughout the United States was well-nigh universal. It is only recently, however, that the American people have come to see the inefficiency of much that goes under the name of education, and to what extent a superficial imitation of education may pass for education itself. The transition in our educational life has been so rapid in the last quarter-century that the various parts

of our educational system — the colleges, the schools, and the academies — have had scarcely time to adjust themselves to one change before they were called upon to make another. The colleges, for example, have to a large extent discarded the old compulsory classical training, which at least had the merit of discipline and thoroughness. In adopting a much broader and in many ways a more sensible curriculum they have not yet had time to reach any such stage of thoroughness as was attained under the old form.

Meanwhile, in the states of the American Union two movements have gone on which have tended to throw increased responsibility upon the school system.

The first has been the enormous progress in the industries and in the differentiation of vocation which has come with modern tools. Workmen no longer ply their callings in their own homes. They are grouped in large factories, where each man becomes a specialist. Under this régime the apprentice system has disappeared, and the school to-day is called upon to do for the boy something like what his apprenticeship did for him a generation ago. In every industrial community there must be provided a school which shall give the theoretical and some of the practical foundations of vocational training, if the boy is to get this training in any systematic or satisfactory way.

A second movement which has to do directly with educational efficiency is found in the recent tendency to place in the hands of the whole people direct political power. During the past ten years much of the political power that has been intrusted to representatives has been taken over in various states by the people themselves. The direct primary, the initiative, the referendum, the recall, are all devices that grow out of the movement, whether wise or unwise, to place political power directly in the hands of the whole people. It needs only the smallest consideration to show that if this movement is to continue, the general education of all citizens becomes an even more vital thing for a democracy than it has been hitherto.

In a word, the question of education, the determination of the right system of schools and of their effective coördination and conduct, is the most important question before each nation, but in no country does this question assume such importance as in a democracy in which every citizen assumes full political responsibility.

DIVISION III

EXTENT OF THE EDUCATIONAL SYSTEM

CHAPTERS XII–XVI

CHAPTER XII

ELEMENTARY EDUCATION

The Foundation of the Educational System. — The elementary school, or, as it has long been termed, in discussion and in law, the common school, constitutes the foundation of the educational system of the state. The several groups of selections classified in this chapter are intended to reflect the essential characteristics of the elementary school as the chief determinant of general social advance and as the first object of educational concern to the mass of the people.

I. Constitutional Prescriptions

[From the Constitution of the State of Oklahoma, 1907.]

Article XIII — Education

"Section 1. The legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

"Sec. 2. The legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

"Sec. 3. Separate schools for white and colored children with like accommodations shall be provided by the legislature and impartially maintained. The term 'colored children,' as used in this section, shall be construed to mean children of African descent. The term 'white children' shall include all other children.

"Sec. 4. The legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.

"SEC. 5. The supervision of instruction in the public schools shall be vested in a board of education, whose powers and duties shall be prescribed by law. The superintendent of public instruction shall be president of the board. Until otherwise provided by law, the governor, secretary of state, and attorney general shall be *ex-officio* members, and with the superintendent, compose said board of education.

"SEC. 6. The legislature shall provide for a uniform system of text books for the common schools of the State.

"SEC. 7. The legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State."

II. STATUTORY REQUIREMENTS

1. *California*

[From School Code of California (1912), Article X — Primary and Grammar Schools.]

SECTION 1662. 1. The courses of study for the day elementary schools of California shall embrace eight years of instruction; and such courses must allot eight years for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

2. The day elementary schools of each school district of California shall be open for the admission of all children between six and twenty-one years of age residing in the district, and may be open for the admission of adults if the governing body of the district deem such admission advisable; *provided*, that where kindergarten instruction is given in the schools of a district, such school shall admit children to the kindergarten classes at four years of age; and the reports for the kindergarten classes shall be kept and shall be made separate from other school reports; *and provided, further*, that wherever a school is established for the instruction of the deaf, such children may be admitted to such school at three years of age; *provided*, that the average daily attendance of deaf children who are six years of age or older shall be counted as part of the average daily attendance in the day elementary schools.

3. The governing body of the school district shall have power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Chinese or

Mongolian descent. When such separate schools are established, Indian, Mongolian, or Chinese children must not be admitted into any other school.

4. The courses of study for the evening elementary schools of California shall embrace eight years of instruction in the subjects permitted to be taught in such schools.

5. The evening elementary schools of any school district shall be open for the admission of all children over the age of fourteen years, residing in the district, and for the admission of adults; *provided*, that children under fourteen years of age who have been given permits to work in accordance with the provisions of an act to enforce the educational rights of children may be admitted to the evening elementary schools.

SECTION 1663. 1. The public schools of California, other than those supported exclusively by the state, shall be classed as day and evening elementary, and day and evening secondary schools.

The day and evening elementary schools of California shall be designated as primary and grammar schools.

The day and evening secondary schools of California shall be designated as high schools and technical schools, and either class may include a portion of the other class.

No teacher shall be employed to teach in any way, in any schools, if the certificate held by the teacher is of a grade below that of the school or class to be taught; *provided*, that the holders of existing primary certificates or of the same when hereafter renewed or made permanent shall be eligible to teach in any of the grades of a day or evening elementary school below the sixth year and not including the kindergarten grades; and in any day or evening elementary school of the county, or city and county, which the county or city and county superintendent shall designate as primary day or evening elementary school; *and provided, further*, that the holder of any valid special certificate for kindergarten work, or of any kindergarten-primary certificate, shall be eligible to teach in the kindergarten grades of day elementary schools.

2. The county, or city and county board of education must, except in incorporated cities having boards of education, on or before the first day of July of each year, prescribe the course of study in and for each grade of the day and evening elementary schools for the ensuing school year.

3. Except in city school districts having boards of education, the county or city and county board of education shall provide for the conferring of diplomas of graduation by examination or otherwise upon those pupils who have satisfactorily completed

the course of study provided for the day or evening elementary schools of the county, or city and county.

4. Whenever necessary the county or city and county board of education may amend and change, subject to section 1665 of this code, the course of study prescribed by them for the day and evening elementary schools.

SECTION 1664. All schools must be taught in the English language.

SECTION 1665. Instruction must be given in the following branches in the several grades in which they may be required, viz.: reading, writing, orthography, arithmetic, geography; nature study, with special reference to agriculture; language and grammar, with special reference to composition; history of the United States and civil government; physical culture, including the necessary elements of physiology and hygiene, with special reference to the injurious effects of tobacco, alcohol, and narcotics on the human system; morals and manners; music, drawing and elementary bookkeeping, humane education, and, when competent teachers thereof can be secured and there are sufficient funds in the district to pay their salaries, manual training and domestic science; *provided*, that instruction in elementary bookkeeping, humane education, elements of physiology and hygiene, music, drawing, and nature study may be oral, and no text-books on these subjects shall be required; *provided, further*, that county boards of education may, in districts having less than one hundred census children, confine the pupils to the studies of reading, writing, orthography, arithmetic, language and grammar, geography, history of the United States and civil government, elements of physiology and hygiene, elementary bookkeeping, until they have a practical knowledge of these subjects; *and it is further provided*, that no more than twenty recitations per week shall be required of pupils in secondary schools, and no pupil under the age of fifteen years in any elementary school shall be required to do any home study.

SECTION 1665 *a*. The board of education in every city of the first class shall establish and maintain in each of said cities of the first class at least one public school in which shall be taught the French, Italian, Spanish and German languages in conjunction with the studies in the English language prescribed to be taught by section sixteen hundred and sixty-five of the Political Code of the State of California. Such schools shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by said boards of education of said cities of the first class wherein said school or schools shall be established and maintained.

SECTION 1666. Other studies may be authorized by the board of education of any county, city, or city and county, but such studies if so authorized shall be in lieu of a corresponding number of such enumerated studies specified in the preceding section, and not in addition thereto.

SECTION 1667. Instruction must be given, in all grades of school and in all classes during the entire school course, in manners and morals, and upon the nature of alcoholic drinks and narcotics and their effects upon the human system.

SECTION 1668. Attention must be given to such physical exercises for the pupils as may be conducive to health and vigor of body, as well as mind, and to the ventilation and temperature of schoolrooms.

SECTION 1672. No publication of a sectarian, partisan, or denominational character must be used or distributed in any school, or be made a part of any school library; nor must any sectarian or denominational doctrine be taught therein. Any school district, town, or city, the officers of which knowingly allow any schools to be taught in violation of these provisions, forfeits all right to any state or county apportionment of school moneys; and upon satisfactory evidence of such violation, the superintendent of public instruction and school superintendent must withhold both state and county apportionments.

SECTION 1673. No school must be continued in session more than six hours a day; and no pupil under eight years of age must be kept in school more than four hours per day. Any violation of the provisions of this section must be treated in the same manner as a violation of the provisions of the preceding section.

2. *Massachusetts*

[From Revised Laws, Chapter 42.]

SECTION 1. (*As amended by chapter* 181, *Acts of* 1908, *and chapter* 524, *Acts of* 1910.) Every city and town shall maintain, for at least thirty-two weeks in each year, a sufficient number of schools for the instruction of all the children who may legally attend a public school therein, except that in towns whose assessed valuation is less than two hundred thousand dollars, the required period may, with the consent of the board of education, be reduced to twenty-eight weeks. Such schools shall be taught by teachers of competent ability and good morals, and shall give instruction in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, the history of the United States,

physiology and hygiene, and good behavior. In each of the subjects of physiology and hygiene, special instruction as to the effects of alcoholic drinks and of stimulants and narcotics on the human system, and as to tuberculosis and its preventions, shall be taught as a regular branch of study to all pupils in all schools which are supported wholly or partly by public money, except schools which are maintained solely for instruction in particular branches. Bookkeeping, algebra, geometry, one or more foreign languages, the elements of the natural sciences, kindergarten training, manual training, agriculture, sewing, cooking, vocal music, physical training, civil government, ethics, thrift, and such other subjects as the school committee consider expedient may be taught in the public schools.

Chapter 247, Acts of 1911, provides as follows:—

Instruction may be given in the public schools in the application of surgical remedies in cases of emergency and the principles of first aid for the injured; and school committees may expend for this purpose such sums from the appropriation for the salaries of teachers as they may deem necessary.

Section 9. Every city and town containing twenty thousand inhabitants or more shall maintain the teaching of manual training as part of both its elementary and its high school system.

Section 11. Any town may, and every city or town of ten thousand or more inhabitants shall, maintain annually evening schools for the instruction of persons over fourteen years of age in orthography, reading, writing, the English language and grammar, geography, arithmetic, industrial drawing, both free hand and mechanical, the history of the United States, physiology and hygiene, and good behavior. Such other subjects may be taught in such schools as the school committee consider expedient.

Section 12. Every city of fifty thousand or more inhabitants shall maintain annually an evening high school, in which shall be taught such subjects as the school committee thereof consider expedient, if fifty or more residents, fourteen years of age or over, who are competent in the opinion of the school committee to pursue high school studies shall petition in writing for an evening high school and certify that they desire to attend such school.

Section 13. The school committee shall, two weeks next before the opening of each term of the evening schools, post in three or more public places of their city or town notice of the location of said schools, the date of the beginning of the term, the evenings of the week on which they shall be kept, such regulations as to attendance as they deem proper, and the provisions of section thirty-five of chapter one hundred and six.

Chapter 309, Acts of 1911, provides as follows: —

School committees in cities and towns in which evening schools are maintained may require from each student not bound by law to attend, an advance payment not exceeding one dollar, which sum may, at the discretion of the committee, be turned into the city or town treasury to be credited to the school appropriation of such city or town, or it may be returned in part or in whole to the student at such time and under such conditions as the committee may determine.

SECTION 14. The school committee may employ competent persons to deliver lectures on the natural sciences, history and kindred subjects, and may provide cards or pamphlets giving the titles and authors of books of reference on the subject-matter of said lectures which are contained in the local public libraries.

SECTION 15. The school committee of a city or town may establish and maintain schools to be kept open during the whole or any part of the summer vacation; but attendance thereon shall not be compulsory or be considered as a part of the school attendance required by law.

SECTION 18. The president, professors and tutors of the university at Cambridge and of the several colleges, all preceptors and teachers of academies and all other instructors of youth shall exert their best endeavors to impress on the minds of children and youth committed to their care and instruction the principles of piety and justice and a sacred regard for truth, love for their country, humanity and universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, and those other virtues which are the ornament of human society and the basis upon which a republican constitution is founded; and they shall endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above-mentioned virtues to preserve and perfect a republican constitution and secure the blessings of liberty as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

SECTION 19. A portion of the Bible shall be read daily in the public schools, without written note or oral comment; but a pupil whose parent or guardian informs the teacher in writing that he has conscientious scruples against it, shall not be required to read from any particular version, or to take any personal part in the reading. The school committee shall not purchase or use school books in the public schools calculated to favor the tenets of any particular religious sect.

SECTION 20. In all the public schools the last regular session, or a portion thereof, prior to the thirtieth day of May, known as Memorial Day, shall be devoted to patriotic exercises.

III. Administrative Regulations

[From *Regulations of State Board of Education of Virginia, 1910,* p. 162. Adopted pursuant to the provisions of Section 132 of the Virginia Constitution.]

80. *Classification of Schools.* — The public free school system of Virginia under the control of the State Board of Education shall consist of common schools and high schools.

81. *Common School Branches.* — In all the common schools, including primary and grammar grades, the following subjects shall be taught: orthography, reading, writing, arithmetic, grammar, geography, history of the United States, history of Virginia, physiology and hygiene, drawing, and civil government; and local school boards may provide for the introduction of music, nature study, manual training, and elementary agriculture into the schools. In each school division a graded course of study, as uniform as practicable, and embracing all the required common school branches, should be adopted for all the schools in that division.

82. *High Schools.* — . . .

83. *High Schools.* — . . .

84. *Text-books, etc.* — The text-books used in the public schools of Virginia, and all maps, charts, and other appliances used in teaching the subjects named in regulations eighty and eighty-one shall be selected from the list prescribed by the State Board of Education, in accordance with the regulations devised by said board.

85. *Pupils to be Supplied with Proper Books.* — School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been prescribed and duly selected under the regulations of the State Board of Education, and no child shall be allowed to remain in school unless he is provided with such books.

86. *Text-book List.* — There shall be kept in every school-room a copy of the list of text-books prescribed for use in that division, with a copy of the regulations of the State Board of Education concerning the same, that the pupils may be informed of the prices of such books fixed by the said board. Division superintendents shall see to it that a list of said books is furnished to each teacher before the schools are opened.

87. *School Months.* — The school month shall consist of four weeks of five school days each, and deduction shall be made from the pay of teachers for every day they lose except such days as shall have been declared holidays by district school boards.

88. *Legal Average Attendance.* — An enrollment of at least twenty pupils, with reasonable assurance of an average daily attendance of that number, is required to constitute a public free school; and no public school shall be established or continued until this condition is complied with: but boards of trustees, when satisfied that there is not a sufficient number of children in any school neighborhood to entitle them to a school under this section, and that the geography of the district is such that no judicious rearrangement of the several schools can be so made as to furnish the minorities proper school facilities, may certify a statement of the case, with a diagram of the section to be accommodated, to the division superintendent, who shall forthwith visit the section in question, and if he finds that the statements made are correct, and that the neighboring schools are judiciously located and cannot be so arranged as to furnish the minorities fair school facilities, he may authorize the board of trustees to reduce the average attendance of such school to fifteen. In cases where the average attendance is reduced by reason of a factious spirit on the part of one or a few people, or in consequence of the proper or necessary exercise of discipline, prevalence of contagious diseases, or lack of proper supply of text-books, the district board may continue such schools, if they deem it advisable to do so: provided, that all such cases shall be reported to the division superintendent and approved in writing by him.

But in special cases the Superintendent of Public Instruction, in his discretion, may, on the recommendation of the division superintendent and examiner, order such a school opened where an average of ten can be maintained.

IV. Standardization of Elementary Schools by State Subsidy — Minnesota

[From *Rules of State High-School Board Relating to High and Graded Schools.* Bulletin No. 45, 1913.]

Graded Schools

1. Application for State Aid.

a. Application for state aid shall be made on the official blank not later than October 1st of the first year for which aid is asked.

b. Application will be considered by the state high school board at its annual meeting, when the inspector will report on schools whose applications have been received.

2. Removal from List.

Schools failing to comply with the requirements or neglecting to maintain a satisfactory standard of efficiency may be dropped from the list. The inspector shall advise the clerk or other officer of the school board of such possible action.

3. Buildings.

a. Suitable grade rooms for not less than four departments must be provided.

b. The system of ventilation shall conform to the rules and regulations issued by the Superintendent of Education.

c. New and remodeled school buildings of eight rooms or more must be equipped with a fan system of ventilation, sanitary drinking fountains, and flush toilets. Plans for new buildings or for reconstruction of old buildings must be submitted to the superintendent of education for approval before contract is let or work begun, according to provision in Sec. 6, Chapter 550, Laws of 1913.

4. Conduct of School.

a. The school shall be in session nine months each year.

b. Regular and orderly courses of study for eight grades, embracing all such branches as may be prescribed by the high school board, shall be maintained.

c. The principal shall exercise general supervision over the school, direct the work of teachers, determine the grading, prescribe and give examinations, and perform such other duties as the school board may require.

d. Permanent records must be kept showing age, attendance, scholarship, and promotion of pupils. Special and annual reports are to be made by the principal and the clerk to the state inspector and the county superintendent of schools.

e. The seating capacity of each school room shall be determined by allowing not less than eighteen square feet of floor space per pupil.

f. The qualifications of teachers shall be those prescribed under "Requirements in regard to Certificates of Teachers in High and Graded Schools."

g. The salary of a principal of a graded school shall be at least $700 a year.

h. The salary of a grade teacher shall be at least $450 a year.

NOTE. — The salary limit stated above becomes effective September, 1914.

i. Before entering into contracts or paying salaries, school boards shall require the principal and teachers to present their certificates to the clerk for inspection and record. He shall place such record on file, after having satisfied himself that the principal

and teachers are legally qualified and have complied with all the requirements of the high school board.

5. Equipment.

Each school shall have:

a. A library of at least 500 volumes, containing all needed reference books together with special libraries for grade work in history and geography. Additions must be made each year and not less than twenty-five dollars shall be expended annually for this purpose.

b. Necessary wall maps, charts and globes for work in history and geography.

c. At least three sets of supplementary readers for each grade.

d. An International Dictionary or its equivalent, and several copies of smaller dictionaries for use in intermediate and grammar grades.

NOTE. — In order that there may be some uniformity as to what constitutes a satisfactory equipment, it is suggested:

1. That for work in geography each school be supplied with a globe, preferably one suspended from the ceiling and not less than eighteen inches in diameter, and the following maps: the world on Mercator's Projection, the Eastern and the Western Hemisphere, the United States, North America, South America, Europe, Asia, Africa, Australia, Minnesota. The three first named ought to be of a larger size than the remaining seven.

2. That for work in United States history each school be provided with a large outline map of the United States painted on slated cloth. With the aid of colored crayons very effective use can be made of this map.

3. That the supplementary reading be made up wholly of books not arranged in series for grades.

4. That one International Dictionary, or its equivalent, be considered sufficient for a school of six departments or less.

5. That pupils be encouraged to purchase small dictionaries after they have been admitted to the fourth grade, and that, in places where it is considered inadvisable to make this requirement, the school board furnish one dictionary for every four pupils above the third grade.

6. Requirements for Special Grant of $500 for High School Department.

In addition to meeting the preceding requirements, each school shall:

a. Have a suitable building of not less than six rooms, including a laboratory.

b. Employ not less than six teachers during the entire year for which aid is granted.

c. Provide the principal a suitable office in addition to his regular recitation room, and allow him not less than two periods daily during school hours for general supervision.

d. Place the assistant principal in charge of the high school department, including grammar-school students seated in the room.

e. Pay the principal a salary of not less than $1,000 a year; and teachers doing high school work, not less than $540 a year.

NOTE. — The salary limit of the principal becomes effective September, 1914.

f. Enroll not less than fifteen pupils in the high-school department.

g. Maintain classes in not less than two years of high school work of such character that it will admit students to the third year of any state high school.

h. Adopt a liberal policy in making provision to supply the following library facilities and scientific equipment as rapidly as classes come forward to need them:

1. Material in sets for a four years' course in high school reading.
2. A botanical or zoölogical outfit of tables, inexpensive dissecting microscopes, one compound microscope, dissecting instruments, glass jars and alcohol or formalin for preserving material, etc.
3. Apparatus and equipment adequate to carry on a year's work in physics as outlined in standard manuals.
4. Suitable desks, chemicals and glassware for a year's work in chemistry.
5. A working school library for the use of students in the preparation of their daily work. It is better to equip the classes one or more at a time, and equip each thoroughly, than to scatter a small appropriation. The principal subjects which require assistance from a working library are: English literature, general history, civics, political economy, senior American history, senior geography, physiography, chemistry, physics, zoölogy, botany, foreign languages.

i. Require the completion of work necessary to obtain sixteen credits before issuing a diploma to any of its students. A year's work in a subject is a credit.

V. NEED FOR ELEMENTARY EDUCATION

[From *Illiteracy in the United States*. Bulletin No. 20, 1913, United States Bureau of Education, pp. 7–9.]

The federal Census for the year 1910 shows that at the time the census was taken there were in the United States 5,516,163 persons

10 years of age and over unable to read and write. This was 7.7 per cent of the total population 10 years of age and over. The full meaning of these figures will be better understood when it is remembered that the number of illiterate persons 10 years of age and over in the United States is less by only a few thousands than the total population 10 years of age and over in all the New England States, or in the states of Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California, and more than the population 10 years of age and over in the cities of Boston, Baltimore, Washington, Buffalo, Cleveland, Detroit, Cincinnati, Pittsburg, Indianapolis, Louisville, New Orleans, St. Louis, Kansas City, Minneapolis, St. Paul, Seattle, Spokane, San Francisco, and Los Angeles. In double line of march, at intervals of 3 feet, these 5,516,163 illiterate persons would extend over a distance of 1,567 miles — more than twice the distance from Washington City to Jacksonville, Fla. Marching at the rate of 25 miles a day, it would require more than two months for them to pass a given point. A mighty army is this, with their banners of blackness and darkness inscribed with the legends of illiteracy, ignorance, weakness, helplessness, and hopelessness — too large for the safety of our democractic institutions, for the highest good of society, and for the greatest degree of material prosperity.

Their ignorance is not wholly nor chiefly their own fault. To a large degree it is due to the lack of opportunity, because of the poverty or negligence of the States and communities in which they spent their childhood.

Of these illiterates, 3,184,633, or 58 per cent, were white persons, 1,534,272, or 28 per cent, were native-born whites, and 1,650,361, or 30 per cent, foreign-born whites; 2,227,731, or 40 per cent, were negroes. The remaining 2 per cent were Indians, Chinese, Japanese and others.

Of the total number of illiterates, 1,768,132 lived in urban communities and 3,748,031 in rural communities, — in small towns, villages, and the open country. Of the urban population, 5.1 per cent were illiterate, of the rural population, 10.1 per cent.

Of the total rural population of the United States, 4.8 per cent of the native white persons and 40 per cent of the negroes 10 years of age and over were illiterate.

Of the urban population, 0.8 per cent of the native white persons and 17.6 per cent of the negroes were illiterate. The per cent of illiterates among the foreign-born whites of the urban population was much larger than that of the native white population. In the New England, Middle Atlantic, and East North Central

States, the percentage of illiteracy was greater in the urban than in the rural population. For the rest of the country, illiteracy in the rural population was from two to five times greater than in the urban population.

The following tables show that the per cent of illiteracy in the population from 10 to 20 years old was much less than in the population over 20 years of age. Of the total 5,516,163 illiterates, only 818,550 were between the ages of 10 and 20, while 4,697,613 were over 20.

ILLITERATES BY AGE PERIODS

		Per cent
10 to 14 years of age.		
Total	370,136	4.1
White	144,675	1.8
Negro	218,555	18.9
15 to 19 years of age. [1]		
Total	448,414	4.9
White	226,432	2.8
Negro	214,860	20.3
Males nearly 50 per cent		
20 to 24 years of age.		
Total	622,073	6.9
White	367,669	4.6
Negro	245,860	23.9
25 to 34 years of age.		
Total	1,102,384	7.3
White	702,962	5.2
Negro	380,742	24.4
35 to 44 years of age.		
Total	940,510	8.1
White	569,403	5.4
Negro	152,132	27.7
45 to 64 years of age.		
Total	1,436,907	10.7
White	821,957	6.7
Negro	584,514	52.7
65 years of age and over.		
Total	573,799	14.5
White	342,420	9.4
Negro	219,255	74.5

[1] The proportion of illiterates among males 15 to 19 years of age was nearly fifty per cent greater than that among females of the same age.

The census reports show that in 1910 there were 2,273,603 illiterate males of voting age, that is, 21 years of age and over, of whom 617,733 were native-born whites, 788,631 foreign-born whites, and 819,135 negroes. The per cent of illiteracy of the total male population of voting age was 8.4; of the native-born white men, 4.1; of the foreign-born white men, 11.9; of the negroes, 33.7. The total number of illiterate men of voting age in the entire country was greater than the total number of men of voting age in the States of Kentucky, Tennessee, Alabama, Mississippi, Delaware, and the District of Columbia. In some States, and in many counties, the illiterate voters hold the balance of power in any closely contested election.

The problem of adult illiteracy is no longer one of race or of section. In 1910 the total number of white illiterates was greater by 956,902 than the total of negro illiterates, and the number of illiterate white men of voting age was greater by 585,229 than that of illiterate negroes of voting age. Massachusetts had 7,469 more illiterate men of voting age than Arkansas; Michigan, 2,663 more than West Virginia; Maryland, 2,352 more than Florida; Ohio, more than twice as many as New Mexico and Arizona combined; Pennsylvania, 5,689 more than Tennessee and Kentucky combined.

Boston had 24,468 illiterates over 10 years of age; Baltimore, 20,325; Pittsburgh, 26,627; New Orleans, 18,987; Fall River, 12,276; Birmingham, 11,026; Providence, 14,236; Nashville, 7,947; Washington City, 13,812; Memphis, 8,855.

The per cent of illiterates in the population over 10 years of age was, in New Bedford, Mass., 12.1; in Dallas, Tex., 4.0; in Lawrence, Mass., 13.2; in Wheeling, W. Va., 3.2; in Amsterdam, N. Y., 10.3; in Little Rock, Ark., 6.5; in Passaic, N. J., 15.8; in Augusta, Ga., 10.9; in Green Bay, Wis., 5.7; in Paducah, Ky., 1.8; in Woonsocket, R. I., 9.1; in Dubuque, Iowa, 0.9; in Bayonne, N. J., 9.1; in Knoxville, Tenn., 6.5; in Utica, N. Y., 8.2; in Roanoke, Va., 6.9.

These figures indicate that, if all classes of population are considered, no section can claim even approximate freedom from adult illiteracy.

VI. Reorganization of Elementary Education

[From *Report of the Committee of the National Education Association on Economy of Time in Education.* Bulletin No. 38, 1913, United States Bureau of Education, pp. 23–25.]

(*b*) Elementary Education Should End with the Twelfth Year

When we pass to a consideration of that social class which stands at the opposite extreme of those who go to college, we find many grounds that suggest the wisdom of completing the elementary school at the close of six years of instruction.

In the first place, such expert testimony as we have indicates the presence of considerable waste of time and energy in the elementary school. There is a very widespread belief among school men that the fundamental facts, habits, attitudes, and ideals demanded by the general needs of our civilization can be fixed in the nervous system of the child in six school years, particularly if the less useful parts of the course of study are eliminated and more efficient methods are introduced.

In the second place, the compulsory-education law under our present organization gives society control of the child only long enough to guarantee the ablest child eight years of general training. It cannot guarantee him the additional years of vocational education required to make him an efficient, self-supporting, and self-reliant citizen. To shorten the elementary school to six years without impairing its efficiency is to guarantee every child who does not go to the high school some vocational education. The need to guarantee some vocational education to the retarded pupils is so important that many careful students of social conditions are ready to say that the compulsory school age must be extended to 16 years, so as to carry the least able elementary school children, who now get no further than the fourth, fifth, or sixth school year, through one, two, or three years of vocational education.

In the third place, the six-year articulation is regarded not only as a better ending point for the general elementary studies, but as a better beginning point for the secondary studies. There are certain inner physiological changes that usher in adolescence that now occur at about the time when the average child makes the transition from elementary to secondary school. The strain of outer and inner conditions are more or less coincident. Therefore,

the resulting school mortality is likely to be larger than it ought to be; or school life is continued at a larger physical and nervous cost than ought to be the case. It would be a distinct gain for a child to get fairly well started and adjusted to his new school life, vocational or secondary, before the full weight of physiological and nervous changes are thrust upon him. The two adjustments can be better cared for in series than together.

Again, it is the opinion of schoolmasters in general that, for those who have the peculiar mentality to go on to the ordinary academic high school, it is decidedly more profitable to begin the foreign languages at 12 than at 14 years of age. The same advantage may be had in other subjects where a large acquisition of facts is necessary to successful work.

In the case of those children who are more given to action than to abstraction, it is equally profitable to begin to center their intellectual work about an active vocation early. To begin vocational education, with its practical life-career appeal, at 12 rather than at 14 is to save many children from truancy and disinterest. It will extend their school life so that they will not be too early driven into unprofitable and futureless employment. They will still take up much general training parallel with and motivated by their broad study of vocational work.

Here again the practicality of a reorganized elementary school period finds adequate sanction in experience. We have only to turn to the concrete efforts in this direction that have already been made by American schoolmen. Such experiments as have been tried in American school systems under practical operating conditions, prove with certainty that the elementary school may be reduced to seven years; and that there is an almost equally strong probability that an elementary school of six years would be fully as efficient. Where the seven-year school has been tried, the school officials very generally anticipate a six-year plan. The organization of junior high schools out of the two upper grammar-grades and the first-year high-school class is a distinctly successful move in the same direction. Here the high school begins to reach down into the grammar school. The establishment of separate departmental schools in the elementary system, consisting of the two upper elementary years and given over to manual activities, is the vocational movement beginning to claim its own from the elementary school system. All sorts of successful experimentation tending to restrict the general elementary curriculum to six years give at least tentative, fragmentary approval to the practicality of the plan suggested.

CHAPTER XIII

SECONDARY EDUCATION

The Focus of Educational Control. — The most salient feature of American social-educational development of the two decades connecting the nineteenth and twentieth centuries is to be found in the public secondary school. From causes that lie deep in the nature of our political and economic institutions the high school, besides being widely established, is undergoing a most rapid evolution. This evolution is producing differentiated types of schools, the survival of which will determine some of the dominant characteristics of the educational system. The arguments and data relating to secondary education brought together in this chapter contain some evidence of the problems that must yet be met before the public high school is oriented in the educational organization.

I. The Status of the Public High School in the American School System

Coming at this stage in the development of American public secondary education, the following case is worthy of consideration. It presents further evidence of the fact that it was the design of the founders of our American states to include a complete system of education within the opportunity of all. The case itself presents no really new feature, but is included here because it reaffirms in unmistakable terms a fundamental doctrine of the American school system.

[Board of Education of the City of Lawrence *v.* Dick *et al.* Supreme Court of Kansas. December 1, 1904. 78 Pacific, 812.]

The case arose from action by Harry Dick and others against the Board of Education of the City of Lawrence, to test the constitu-

tionality of that part of section 1, chapter 224, page 326, of the Laws of 1899 (section 6305, General Statutes, 1901), authorizing cities of the second class to maintain high schools in whole or in part by collecting a tuition fee from each pupil.

The judgment for the plaintiffs rendered in the district court of Douglass County was affirmed. The decision of Justice Green is thought to deserve careful reading by all those interested in the development and the protection of the American free public school system, including all grades of instruction from the lowest to the highest.

The plaintiffs, for themselves and 400 others similarly situated, brought this action to restrain the board of education of the city of Lawrence, a city of the second class, from enforcing one of its resolutions previously adopted, authorizing the superintendent of its city schools to expel from the high school all resident pupils who refused to pay a tuition fee of $2.50 per term. The petition alleges that the plaintiffs are residents and taxpayers of the city of Lawrence, and the parents of the children between the ages of 6 and 20 years; that the board of education had previously passed a resolution to the effect that all pupils attending such school should be required to pay a tuition fee of $2.50 per term, and had authorized the superintendent of schools of the city to expel from such school all children then attending who refused to pay such tuition fee on or before a certain day therein named. Upon the application of the plaintiffs a temporary restraining order prohibiting said board from enforcing the conditions of the resolution was allowed, and finally made permanent. It was held generally that the board of education had no power to impose a tuition fee upon the resident pupils as a condition precedent to attending such school.

The question involved is, has the Legislature of the state of Kansas power to authorize the board of education of cities of the second class to impose a tuition fee upon resident pupils attending the high school? If this question is answered in the affirmative, it must be held that the board acted with authority. The Legislature attempts to confer such authority upon the board of education of the cities of the second class within the state by the enactment of section 6305, Gen. St., 1901. This section reads:

"The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand; and to exercise the sole control over the schools and school property of the city; and maintain such high school, in whole or

in part, by demanding, collecting, and receiving a tuition fee for and from each and every scholar or pupil attending such high school." Plaintiffs contend that the common schools of Kansas are free schools, and that this section, in so far as it attempts to confer power upon the board of education of cities of the second class to impose a tuition fee upon pupils attending such schools, contravenes section 2, art. 6, of the Constitution of Kansas, and is void. The constitutional provision invoked reads: "The Legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments."

The one great hope of the republic lies in the intelligence and morality of the individual citizen. To encourage, promote, and inculcate intelligence and morality large bodies of land were reserved by the government from the public domain to many of the states upon their admission into the Union, to be used for a permanent school fund. Section 34 of our organic act provides "that when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same."

Recognizing the great need of popular education, the framers of our Constitution, in addition to the provisions hereinbefore quoted making it compulsory upon the Legislature to establish a uniform system of common schools, inserted section 3, art. 6, which reads: "The proceeds of all lands that have been or may be granted by the United States, for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A.D. 1841, and all estates of persons dying without heir or will, and such per cent as may be granted by Congress, on the sale of lands in this state, shall be the common property of the state shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriate to the support of the common schools." Ample provisions are found elsewhere for the annual distribution of this fund to the several county treasurers of the state, to be used in the support of the common schools. In addition to the fund

thus provided, the Legislature has made provisions for the support of the common schools, and enacted rules for the general management by officers to be elected by the voters of the locality where the schools are to be maintained.

In view of the numerous provisions made by the general government and the Constitution of this state as well as the history of its legislative enactment, for the establishment and maintenance of a common school system under which the children have been educated for the past 40 years, the suggestion that such schools are not free comes as a surprise at least. This, however, cannot change the provisions of our Constitution, and it is to such provisions we must look to determine whether the system of common schools it commands the Legislature to encourage was to be a system of free common schools or pay common schools. We can only determine this by ascertaining what was meant by the words "common schools," as therein used. If we find that they have acquired a technical meaning, we must assume that they were used in the Constitution in their technical sense. The high school in cities of the second class is a department of the common school system of such a city, in which the higher grades of the common school are taught. Board of Education *v.* Welch, 51 Kan., 792, 33 Pac., 654; Whitlock *v.* State *ex rel.* School District, 30 Neb., 815, 47 N. W., 284. The phrase "common schools" is synonymous with "public schools." Jenkins *v.* Andover, 103 Mass., 94. Both have been defined by lexicographers and by judicial interpretation to mean "free schools." Merrick and others *v.* Inhabitants of Amherst and others, 12 Allen, 509; Roach *v.* The Board of President and Directors of the St. Louis Public Schools, 77 Mo., 484; Collins *v.* Henderson, etc., 74 Ky., 74; Irvin Gregory (Ga.), 13 S. E., 120 Roach *v.* Board of President and Directors of the St. Louis Public Schools, 7 Mo., App., 567; People *v.* Board of Education of Brooklyn, 13 Barb., 400. In 25 Am. and Eng. Encyc. of L., it is said: "Common or public schools are, as a general rule, schools supported by general taxation, open to all of suitable age and attainments, free of expense, and under the control of agents appointed by voters." Mr. Black, in his Law Dictionary, defines common schools to be "schools maintained at the public expense and administered by a bureau of the state, district, or municipal government, for the gratuitous education of the children of all citizens without distinction." Mr. Anderson, in his Law Dictionary, says: "Common or public schools are schools supported by general taxation, open to all free of expense, and under the control of agents appointed by the voters." Repalje and Lawrence define common schools to be "public or free schools, main-

tained at public expense, for the elementary education of children of all classes." Mr. Bouvier, in his Law Dictionary, says that common schools are "schools for general elementary instruction, free to all the public." Chancellor Kent, in his Commentaries, vol. 2, p. 195, in discussing free common schools in the several states of the Union, on the continent, and in many European countries, uses the phrase "common schools" exclusively. It must be assumed that the men who wrote our Constitution used the phrase "common schools" in its technical sense, as we find it defined. We think it follows, therefore, both from authority and reason, that the phrase "common schools" was used in the Constitution in its technical sense, which means free schools, and that the common schools of Kansas are free schools. The act of the Legislature attempting to authorize boards of education of cities of the second class to collect tuition fees for the admission of resident pupils into such schools violates this provision of the Constitution of this State, and is therefore void.

A contention is made that the word "otherwise," found in the latter part of section 3, art. 6, of the Constitution by which the legislature is directed to add to the permanent school fund by taxes or otherwise, is an express authority to add to it by charging a tuition fee. The word "otherwise," as there used, simply means that the Legislature may set apart for public school purposes such moneys as may come into the public treasury incidentally, such as fines imposed for violation of laws of the State, and items of a similar character. To charge and collect a tuition fee would not be adding to the permanent school fund.

The objection that the plaintiffs cannot maintain this action, on the ground that an individual cannot maintain an action to restrain public officers from performing a public duty, unless such party can show some personal, pecuniary, or special interest, or some injury which he may sustain other than the public generally, cannot be sustained. The exclusion of the plaintiff's children from the public schools is a question in which they have a special and peculiar interest, not held in common by the people of the state. While the people of the state and county have a general interest in the education of its children, the exclusion of any particular child directly affects the parents of that child in a much greater degree than it does the public. In Craft *v.* Jackson Co., 5 Kan., 518, 521, it is said: "If the injury is one that particularly affects a person, he has his right of action."

The judgment of the court below is affirmed. All the Justices concurring.

II. How Far the Public High School is a Just Charge upon the Public Treasury

[Extracts from address by Frank A. Hill, secretary of the Massachusetts State Board of Education, before the New England Association of Colleges and Preparatory Schools at Springfield, Oct. 15, 1898.]

I have been asked to answer the question, "How far is the public high school a just charge upon the public treasury?" I shall have to limit my answer to Massachusetts, although, in the nature of the case, whatever answer may satisfy Massachusetts is likely to serve, in some measure, other States as well. . . .

I will not discuss the justice of making education in general a charge upon the public treasury. For two centuries and a half Massachusetts has clung most tenaciously to two fundamental thoughts about this matter. One is that every child — the humblest as well as the proudest — is entitled to a fair education. Nay, he is not simply entitled to it, but the State must see that he has it. And the other is that the cost of this education is a legitimate public charge. Under stress of poverty or war Massachusetts has wavered at times in application of these principles, but never in loyalty to their essence. They are deeply intrenched in the universal conviction; they have found splendid expression in the supreme law; they are woven as unbroken strands into the substance of her history. Indeed, it is idle to make a show of defending a citadel that is a Gibraltar in itself and that no enemy of consequence now attacks.

When we leave education in general and think of secondary education in particular, we shall have to say that, so far as legal or technical justice is concerned, the high school tax as well as the general school tax is a just charge upon the public treasury. That is to say, there has never been a time since 1647 when the laws of Massachusetts did not require certain towns to maintain at public expense grammar schools, *i.e.*, college preparatory schools, or their modern equivalents or successors popularly known as high schools. It has not been simply the legal right of these towns to tax themselves for the support of secondary schools, but it has been their legal duty to do so; and towns were not rarely "presented," as the old records run, and fined for failure to discharge this duty.

And when Massachusetts became a State the people took pains to clinch this policy of colonial and provincial times by putting

into the Constitution these words: "It shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns." In other words, the ancient and historic grammar schools that taught Latin, Greek and mathematics, with such minor variations in the curriculum as the people saw fit to make, and that were supported at public expense, were specifically mentioned by the people in that "solemn and mutual agreement" as schools which legislatures are constitutionally bound to cherish. In response to this duty, imposed upon them by the supreme law, our Legislatures have again and again made requirements relating to grammar or high schools, while the towns, within the realm of local control, have, in numerous instances, gone far beyond the letter of such State requirements.

And when now and then conservative, skeptical or intractable persons have questioned the liberal action of the towns toward high schools, and have applied to the courts to restrain them in such action, the highest judicial authority has invariably stood for the larger, the more generous interpretation of the high school policy of the State. So that the justice of the high school tax, if we consider simply such questions of legality as are settled by the Constitution, the laws and the decisions of the courts, rests on the solidest of rock.

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The relation of any tax to the people's ability to pay it, under our form of government, is dependent on the people's willingness to pay it; and this willingness, in its turn, is dependent on the people's intelligent appreciation of the benefits the tax is supposed to bring. The tax should not be so heavy as to check production, to devour income, to extinguish ambition, in short, to kill the goose that lays the golden egg; but what its basis shall be, just what percentage of this basis shall constitute the tax, how the tax shall be distributed among the various purposes it should serve, how each portion of it shall be expended, — these, with scores of allied matters, are always likely to be open questions. In their nature they do not admit of exact, complete and final answers. It is not what people casually say that must be taken as their true answers to these questions but what they directly or through their representatives actually vote for. When the Legislature in 1824 voted to exempt nearly every town in the State from maintaining a high school, this meant that, in the popular

judgment of that time, the high school was an institution of so great expense and so limited service that only the largest and wealthiest towns ought to be required to maintain it. When the Legislature in 1891 ordered that every town should be required to provide its properly qualified children with free high school tuition, this meant that, in the popular judgment of that time, high school education was of so great and general value that, notwithstanding its expense, no child ought to be denied free access to it.

In short, our people are doing far more for education to-day than in 1824, and yet they are doing it more easily. The voice of the grumbler, I suppose, will never cease, but it is less often heard to-day than then. Here and there, indeed, we see a town that is pitifully burdened, paying double or quadruple the school tax of its wealthier neighbors and yet powerless to command the schooling it ought to have. Such unevenness, whether of burdens or of results, is regrettable; the State does something to reduce it and should do more. Still the inequalities are not what they once were under the vicious district school system. It may be safely said that, whatever defects of taxation need to be remedied, the people as a whole are not excessively taxed.

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Not only are there ample reasons, in theory, why the public should value and support the high school, but there are ample evidences in fact that these reasons are mighty with the public. Consider for a moment the rise of the high school and its present remarkable hold on the loyalty of the people. Our educational history shows in the spirit of the people the golden era, the dark ages and the renaissance, — the golden age in the beginning, the renaissance in our own time and the dark ages between. There was the action of the Colony of Massachusetts Bay in 1647, ordering that towns of 100 families should each maintain a grammar school, that is, a college fitting school. It was Latin grammar and Greek, not English, that it taught. English grammar, as we understand it, was hardly known. It is a significant fact that the golden age of English literature was a grammarless age; the art flourished, the science slept. In 1677, Plymouth Colony said that towns of 50 families may, and towns of 70 families must, keep a grammar school. The next important legislation was in 1789. People had been living through a hard century. It was becoming more and more trying for the towns to comply with the law. Many of them had ceased to do so. Accordingly the General Court relaxed the grammar school law of 1674. It ordered that thereafter towns not of 100 families but of 200 should main-

tain a grammar school. Under the old law 230 towns were required to maintain such a school; under the new more than 100 towns were released from this requirement.

But the General Court of 1789 unwittingly gave another damaging blow to the grammar schools. It unfortunately established the school district system. Under this system the school district, not the town, became the educational unit. Not unfrequently a town was broken up into twenty or thirty such districts. As a result district spirit rose; town spirit, already feeble, fell to greater depths, and with this fall went a further decline in the grammar school, which was a town and not a district institution. In other words, the several districts absorbed the educational energy of the people, what there was of it, and the town, as a town, was left educationally dry and barren. In such a desert no grammar school could thrive. It was this decline in town spirit, this dying out of the grammar school, that led to the springing up of academies and private schools on every hand. Towns might grow cold about high grade schooling, but there were spirited families enough to insist, whatever the sacrifice, on such schooling for their children.

The year 1824 saw low water mark in our educational history. There were 172 towns that should have been supporting grammar schools under the law of 1789. Very few of them, however, were doing so. Accordingly, the Legislature exempted all towns under 5,000 inhabitants from maintaining them. That is to say, it exempted 165 of those 172 towns, — all of them but 7. It was no longer only 100 families in the town, as in 1647, no longer 200 families, as in 1789, but practically 1,000 families, that created the obligation to maintain a grammar school. Thus the grammar school was nearly extinguished and its very name began to fade in oblivion. The altar fires of high ideals, however, were kept alive in the academies. It was the very success of these academies that, in a way, checked their growth and led, with some notable exceptions, to their reduced importance or their demise. It was largely because of them that the demand for free secondary instruction revived. It became a burning question everywhere, "Why should not the children of all the people enjoy advantages equal to those of the favored few?"

The reaction from the legislation of 1824 came quick and sharp. In 1826 the Legislature ordered that towns of 4,000 people should maintain a high school of the first grade; towns of 500 families, a high school of the second grade. Here was a partial return to the policy of the fathers, the beginning of educational repentance. The chief original difference between the two grades was that the first taught Latin and Greek while the second did not; the

first connected with the colleges in the traditional way, the second ignored the colleges and was ignored by them. And now for some years the policy of the State was singularly vacillating. There was a locking of horns between the progressive party and the conservative. The law of 1826 had been in force but a short time when the requirement of a second grade high school in the case of towns with 500 families was repealed; in 1836 it was restored; in 1840 it was practically repealed again; and in 1848 it was restored again, this time to stay until another advance became possible. So we see that it took just twenty-two years to clinch the legislation of 1826.

For many years after 1826 the high school outlook was far from encouraging. The law was explicit enough, but towns consulted their pleasure about obeying it. In 1838, for instance, out of 43 towns required to maintain high schools only 14 were doing so. But the upward movement, long delayed, began at last. The missionaries of the movement were Horace Mann and his fellow-workers. In 1852 there were 64 high schools; in 1866, 156; in 1876, 216; in 1886, 229; to-day there are 261.

In 1891 the State took a step which placed it, for the first time, in advance of the policy of the founders. It ordered that free high school tuition thereafter should be the legal right of every properly qualified child in the Commonwealth. Every town, without exception, must furnish it either in its own high school or in that of a neighbor. Other States have gone beyond Massachusetts in making the college or university a part of the public school system, but Massachusetts was the first State in the Union, if not the first in the world, to make it compulsory on all its towns to provide free high school instruction. Such compulsion bore with hardship, of course, on many small and feeble towns. Hence the policy in such cases of State reimbursement of high school tuition payments.

III. An Efficient System of Schools for an American Commonwealth

[From *2d An. Rept. Iowa State Bd. of Educ.*, 1911–1912, p. 57.]

Everywhere this question is being asked: "What is an efficient system of schools for an American commonwealth?" As has been well said, this is a problem of the entire country and necessarily it is one in relation to which all other questions of the Board must be viewed.

The purpose of this paper is to present certain recommendations in an effort to be helpful toward the solution of some of these problems. With this end in view, we desire to state, first, as we see them, a few of the fundamental and essential qualifications which stand out in a right system of schools.

1. The schools of Iowa, from the elementary grades to the University, should each be a part of a consistent system, coöperating in a general plan.

2. The elementary schools are to-day the universal agency of the state to give to every boy and girl the elements of a simple and thorough training. We must look to these schools to continue in this function and to pledge themselves to greater simplicity, sincerity and thoroughness.

3. As life in Iowa becomes more diverse, we must provide not only for the general elementary education of the great mass of youth, but we must provide also the means by which each individual may become an effective economic unit. In other words, the vocational school must become almost as universal as the elementary school.

4. The three institutions of higher learning in Iowa must train almost wholly for a limited group of professions, no matter what system of school exists. It is in the interests of society to get its professional men and women at this high line; and society, in our judgment, will continue to hold high the conditions for admission to the professions.

There are in Iowa 677,000 boys and girls of school age. Sixty thousand of these are in the high schools of the state. Less than 7,000 of these are in the three institutions of higher learning. How is Iowa to make each of the 677,000 an effective economic unit as well as an intelligent member of a self-governing democracy? Since the days of the Greek Republic the task has been tried and we believe that no intelligent man to-day is ready to dogmatize upon it. We must all do some straight thinking, and, working together, proceed slowly, grasping the problem as a whole.

Experience indicates that there must be in every strong community not only a high school for those looking toward professional life, but also a vocational school for those looking toward business and the trades. Both of these must articulate with the elementary schools. No rigid lines may to-day be drawn between the high school and the vocational school; and all of these schools, in the very nature of the case, must be local. Further, these schools must give the great mass of young citizens thinking ability, a right conception of civic duty, and a vocational start at an age not to exceed eighteen. It is clearly hopeless to look to the

higher institutions of learning as a training place for the great mass of men and women. The problem is overwhelming in its significance.

IV. Are the two Functions at Present Fulfilled by the High School Compatible?

[From *Fifth Annual Report of the Carnegie Foundation for the Advancement of Teaching*, 1910, pp. 63–66.]

The American high school is seeking to fulfil two distinct functions: (1) the preparation of the great mass of students for citizenship in a democracy; (2) the preparation of a minority — perhaps 5 per cent — for college. The evidence which has been referred to would go far to show that this last object is but poorly attained. The easiest way out of the difficulty would be to conclude that this outcome condemns the double effort. This has been repeatedly urged. The high school, it has been said, having essayed two tasks, falls between them: it may, by concentration on one group of studies, prepare a boy for a practical career; or it may, by concentration on a limited range of academic tasks, prepare a boy for college; but, it is urged, experience proves that it cannot do both, so long, of course, as the two do not more nearly coincide.

I wish, in contradistinction to this view, to express my firm conviction that both these objects can be compassed consistently by the same secondary school, and that, furthermore, the same methods which make for efficiency in the preparation of boys and girls for college will also make for efficiency in the training of boys and girls for their vocations. If, indeed, both high school and college are vitally related to social conditions and needs, it cannot be otherwise. Only if one of the two is an artificial structure, answering no deep or organic purpose, can the program which it sets up be out of relation with the activities pursued by the other. Assuredly this is not the case. Both high school and college subserve a single purpose: the preparation of the American boy for the opportunities and responsibilities of the type of civilization which as a nation we are endeavoring to establish. Not all can leave the school-house at the same moment in order to take their places outside its walls. But the conception is nevertheless continuous; and those who stay longer under academic influences are not for that reason being equipped to take part in a fundamentally different life. The points in which careers differ are less fundamental than those in which they agree, and just this fun-

damental agreement gives the unity and wholeness which makes the ultimate task of high school and college one.

The difficulty into which we have fallen seems to me in large measure to have arisen in the course of the effort to enlarge the curriculum of the old time classical high school for the purpose of fulfilling the rôle just mentioned. The movement was a thoroughly sound one. It is inevitable that into the secondary school those studies should be admitted which touch the lives and the vocations of future citizens. The difficulty has been that in our haste to enrich and to diversify the curriculum we have to some extent lost our ideal of what education means. To learn a little about many subjects, to dip superficially into the study of English and Latin and chemistry and psychology and home economics, and a dozen other things, is not education. Only that human being has gained the fundamentals of an education who has acquired soundly a few elementary branches of human knowledge, and who, in acquiring these, has so disciplined his mind that it is an efficient instrument ready to be turned to whatsoever task is set before it. The high school student is led to believe that education is attained by learning a little of each of many things; he gains, therefore, a superficial knowledge of many subjects and learns none with thoroughness. He lacks the hard fibre of intellectual discipline. Such a youth has not been educated. That only is education which sets a boy on the way to use his own mind for his pleasure and his profit; which enables him to attack a problem, whether it be in school or in business, and to think out the right answer. Education, rightly understood, is a power-producing process; and the serious indictment against the secondary school system to-day is that its graduates do not acquire either discipline or power. The real struggle in the American high school is between that influence which makes toward thoroughness and that which makes toward superficiality; and if the high school is to become the true training-place of the people, the ideal of thoroughness must supplant the ideal of superficiality.

But it must be remembered that thorough teaching can be had only where the individual teacher keeps within reasonable limits. The city high school with twenty or thirty teachers can cover a large area without sacrifice of quality; the village high school with two or three teachers is at once limited to a small number of possible subjects. Elective range is desirable only if the high school staff is competent and relatively large. A small high school with a limited number of teachers can do as good work in the preparation of girls and boys for college as a large high school, but it can do this only by confining its curriculum to a limited

number of subjects. A small high school which attempts to give many courses is sure to be weak in most of them.

In visiting a college recently in one of the older and richer states — a state very backward in the development of its secondary school system — I was struck by a remark of the officer in charge of admission which bore upon this matter. After looking over with him the admissions to his own college, I inquired the name of the high school from which he obtained the best prepared students. He answered that the best prepared students came from a high school in a small village, conducted by two teachers, a man and his wife. This result arose out of the fact that here were two competent teachers attempting to instruct pupils in only such subjects as they could teach effectively.

This is no argument against the enriched curriculum of the secondary school, provided the enriched curriculum does not lead to dispersion and so defeat the end of all education. But let the boy understand that if he desires to study agriculture, for example, he cannot study all the other subjects in the curriculum; let him take with agriculture one or two things which will form the trunk of his educational structure and learn them well and soundly. For only in this way can he gain the intellectual discipline and the intellectual strength to make his way either in college or in a vocation.

Illustrations of divergent tendencies may be taken from curricula for high schools set forth by state boards of education. Thus in Oregon one of the state regulations governing the high school course is that " no pupil shall carry more than four subjects at any one time." In Kansas the college preparatory course for high schools having three or more teachers contains no more than four subjects each term, with certain variations and elections. On the other hand, in North Carolina the Latin-Scientific course is made up each year of six distinct studies, aggregating twenty-five hours a week in the first two years, and twenty-six hours in the latter years; and in Maryland a similar requirement of six studies is made, whose recitation hours equal twenty-seven each week. In the Boston Latin School the student carries six studies, except in the last year, with the work each year containing twenty-three hours a week.

The boy who desires to enter college and the boy who desires to enter business alike need to be well grounded in fundamental studies and to gain a real mastery of a few things. In a word, the same ideal of education which will send up to college competent candidates will also send into the business world well-trained beginners. This lesson is one which has to be retaught, not only

to each generation of youth, but to each generation of schoolmasters. Each generation finds new studies which it believes to be specifics for the training of the youth of its own time and its own country. There are, however, no educational specifics which fit the varying temperaments, tastes, weaknesses, and ambitions of the youth of a nation. Perhaps the matter has never been more clearly stated than in the saying recorded by Thucydides, "We should remember that man differs little from man, except that he turns out best who is trained in the sharpest school." To a very large degree the disciplinary side of education in both high school and college has been forgot in the past twenty years. During the same period the family discipline has also been softened. The total effect is seen in the unreadiness of the great mass of youth to face a hard, steady pull, whether in college or in business.

Our educational curricula to-day, both in the high school and in the college, resembles closely the bills of fare which one finds in the hotels, on which are set down dozens of dishes under high-sounding names; and yet one looks in vain through all this medley for a simple and wholesome meal. The high school scholar, whether his ambitions lie in the direction of a college or not, can do well only a few studies in each year of his high school course. To do these well is to make the beginning of an education. To study a large number of them superficially is to treat one's mind somewhat as one would treat his stomach if he ate faithfully something of every article on the bill of fare. There is nothing in the conduct either of the high school or of the college admission requirements which points toward a simple and thorough ideal of study.

To such an argument as this the high school teacher and the high school superintendent are much inclined to reply that the high schools must include all the things which the American people are ambitious to know; that they must teach their pupils something of a great many things in order to satisfy popular demand. Everywhere in the high school, as in the college, the cry is, "We must keep up with the competition of our rivals." This competition makes not for educational efficiency, but for educational display.

It is true, as it seems to me, that the high school breaks down in both its functions and for the same reasons. It appears clear, however, that the educational ideal which makes for a simple and thorough curriculum for the individual serves equally well the boy who looks toward college and the boy who goes directly from the high school into a vocation. These two functions are not incompatible under a right educational conception.

V. The Reorganization of Education

[From the *Third Annual Report of the Carnegie Foundation for the Advancement of Teaching*, 1908, pp. 152–153.]

It seems clear that the work of the next two decades in American education is to be a work of educational reorganization, and this reorganization must include elementary and secondary education as well as higher education, for the problem of national education is really one problem, not a series of isolated and unrelated problems. To-day our schools, from the elementary school to the university, are inefficient, superficial, lacking expert supervision. They are disjointed members of what ought to be a consistent system. The work of reorganization is so enormous that one is almost at a loss to answer the practical question: Where should such organization begin? The answer to this question must come in the end from the intelligent leadership of teachers themselves, and from the coöperation of teachers in all parts of our system of national education. I venture to point out certain considerations which seem to me to be essential as forming the groundwork from which improvement and progress must proceed.

It is, I believe, admitted by those who are most familiar with the conditions of schools throughout the United States that the weakness and inefficiency of the elementary and secondary schools, arising in the first place from a lack of clear conceptions of what these schools should actually seek to do, are apparent, first, in the effort to teach too many things and, second, in the lack of competent teachers. In other words, the elementary and secondary schools, like the institutions of higher learning, have attempted too many subjects to the neglect of the fundamental intellectual training common to all education. The remedy is to be found in clearer definitions of purpose, variation of school types, and more simple and thorough curricula. We cannot teach all subjects in one school, but we can provide a wide variety of schools, each of which may do its own work thoroughly.

It is clear that the lack of efficient teaching is one of the most expensive national weaknesses, and that the inefficiency of our school system is in great measure due to this lack is evident. For example, mathematics is a subject which has been a standard study in our schools from the beginning. Students who pass through our high schools and enter college spend in the nine years corresponding to the period covered by the German *gymnasium*, 75 per cent more of the time of instruction on mathematics and yet receive a training vastly inferior to that of the *gymnasium*.

Progress has been made in the last two years toward equipping a larger number of competent teachers. The growth of teachers' colleges in connection with the universities is a most notable gain. Before the matter can be rightly solved, public opinion must be educated to appreciate the dignity and importance of the teacher's work and the absolute necessity for such strengthening of the security and recompense of the teacher as will attract to that calling able men and women in larger numbers.

It is clear also that the elementary and secondary system of education must in its reorganization meet the present-day demand for industrial training. Our public school system did not undertake originally vocational training. In the modern industrial state that training is a part of public education, and one very serious problem to be met in the reorganization of education is the provision for vocational schools and their relation to the elementary school system.

It is not possible at this day to outline a complete system of such schools. Clearly the vocational school will vary with the locality and will minister to local conditions. The experience of other nations would, however, seem to indicate that elementary schools will continue to be devoted to the general education of children up to the age of fourteen years, but that its last two years will see the introduction of certain industrial exercises and studies. The vocational schools, resting on the elementary schools, are likely to be two-year, and in some cases three-year, high schools. The high school, devoted to general training, is under such conditions likely also to tend toward a similar length of curriculum. In a word, the curriculum and the length of time spent in the high school would be materially modified by an increased efficiency in the lower schools and by the effort to meet the demands of vocational training.

VI. Reorganization of Secondary Education

[From *Report of the Committee of the National Education Association on Economy of Time in Education.* Bulletin No. 38, 1913, United States Bureau of Education, pp. 25–27.]

(*c*) Secondary Education should begin with the Twelfth and end with the Eighteenth Year

If the previous contentions with regard to elementary and collegiate education are established, the period of secondary education

will begin with the twelfth year. The question then arises, When shall it end? As at present, at the end of the eighteenth year? Or later, so as to include the freshman and sophomore years of college, thus abolishing the tertiary or collegiate division of liberal training? These are questions difficult to answer, because they raise the problem of articulating our three types of schools for general education with each other and with schools for vocational education. They involve, too, the need to know the valid distinctions which can separate a continuous system for cultural education into three distinct institutional units.

The secondary school has tended to extend its limits upward to include the first two years of college, as well as downward to include the last two years of the elementary school. But the former tendency is comparatively slight. The mass of experience seems to favor the latter, as has already been suggested; and the theoretic considerations corroborate actual practice in this direction. The inclusion of the two collegiate years in the high-school unit is opposed by arguments of a sort difficult to overcome. The largest gap in our school system exists between high school and college. The most advanced teaching of a cultural type is very closely dependent upon the research of the university in replenishing its stock from advancing knowledge. The equipments required by college and university are more nearly coincident than those of college and high school. Endowed institutions constitute a larger proportion of the schools for higher education than they do for secondary education. An upward extension of the high school is so difficult as to seem inexpedient, while a downward extension seems logically to be a line of least resistance. On these grounds it is probable that, in the generality of cases, high school education will plan to include the period from the twelfth to the eighteenth year.

The objections which have been urged against the inclusion of the collegiate years by the high school hold largely against any proposal that the college should attach to itself the upper two years of high school. Such a proposal is not seriously made. If it were, all our current tendency would be against it. Even the smaller colleges are tending to drop the preparatory academies or high schools which have so frequently been associated with them. The larger institutions did so long ago. The discussion of any such proposal to extend the college downward would, therefore, be largely academic.

(*d*) The Secondary School ought to be Subdivided into two Administrative Units — a Junior High School and a Senior High School

A six-year unit in the elementary school is not objectionable. The extreme immaturity of the pupils requires a long period for substantial achievement. The amount of basic knowledge and power to be acquired by them forbids selection of pupils and specialization of their activities at any time within the first six years. But these arguments do not hold in the case of the high school. The students are more mature; they are free from the restrictions of compulsory education; they are already discovering the personal interests and limitations which point toward specific types of training and life work. They feel the pressure that comes from the financial limitation of their families. No matter how varied the offering of studies is, or how adjustable the privileges of election, the six-year course is not an attractive or practical scheme for all those who might be able to pursue their general course beyond the primary school. It ought to be subdivided into two administrative sections: (1) A junior high school of three years, extending from the twelfth to the fifteenth year; and (2) a senior high school, also of three years, covering the period from the fifteenth to the eighteenth year.

Such a subdivision and point of articulation is necessary upon social as well as individual grounds. A three-year junior high school will assure a larger number of citizens possessing some cultural training of a secondary grade than a six-year high school. A point of articulation in the middle of such a high school system would afford an appropriate position for the establishment of vocational schools of a type now largely missing in the proposal for vocational schools.

When we examine the schools' traditional provision for vocational education, we find it almost confined to professional education. The more recent proposals and innovations deal almost entirely with the training for those commercial, agricultural, and industrial occupations which may be entered soon after the completion of the elementary course of study. A casual analysis shows that the middle groups of occupations that are distributed between the industrial trades at one extreme and the professions at the other are not adequately cared for. The scheme of vocational education must finally include these, if our provision is to be efficient.

The period of general education beyond the elementary school

must provide frequent points of articulation, so that the inevitable selective function of the liberal schools may be supplemented by a series of vocational schools into which those who cannot go on may be distributed. Under the scheme thus far discussed, points of articulation between the general scheme of education and a special series of vocational schools would be provided at the twelfth, eighteenth, and twentieth years. The gap between the twelfth and the eighteenth year is too large to suit human nature, economic ability, or social needs, and should be broken in the middle, say, at the fifteenth year. This is in line with tendencies already established, as no other suggested point of articulation within the six-year high school is.

VII. Standards of Accrediting Secondary Schools

[From *Bulletin of North Central Association of Colleges and Secondary Schools*, March, 1915, pp. 2–4.]

The aim of the North Central Association of Colleges and Secondary Schools is, first, to bring about a better acquaintance, a keener sympathy, and a heartier coöperation between the colleges and secondary schools of this territory; second, to consider common educational problems and to devise best ways and means of solving them; and third, to promote the physical, intellectual, and moral well-being of students by urging proper sanitary conditions of school buildings, adequate library and laboratory facilities, and higher standards of scholarship and of remuneration of teachers. The Association is a voluntary organization consisting of representatives of both secondary schools and colleges. It is devoted solely to the highest welfare of the boys and girls of this territory, and it bespeaks the cordial and sympathetic support of all school men.

The following constitute the standards for accrediting secondary schools for the present year:

1. No school shall be accredited which does not require fifteen units for graduation. More than twenty periods per week should be discouraged.

(A unit course of study in a secondary school is defined as a course covering an academic year that shall include in the aggregate not less than the equivalent of one hundred and twenty sixty-minute hours of classroom work, two hours of manual training or laboratory work being equivalent to one hour of classroom work.)

2. The minimum attainment of teachers of academic subjects shall be equivalent to graduation from a college belonging to the North Central Association of Colleges and Secondary Schools

requiring the completion of a four-year course of study or 120 semester hours in advance of a standard four-year high school course and including at least eleven semester hours in education. This shall include special study of the subject matter and pedagogy of the subject to be taught. Such requirements shall not be construed as retroactive.

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3. The number of daily periods of classroom instruction given by any teacher should not exceed five, each to extend over at least forty minutes in the clear. The board of inspectors will reject all schools having more than six recitation periods per day for any teacher.

4. The laboratory and library facilities shall be adequate to the needs of instruction in the subjects taught.

5. The location and construction of the buildings, the lighting, heating, and ventilation of the rooms, the nature of the lavatories, corridors, closets, water supply, school furniture, apparatus, and methods of cleaning shall be such as to insure hygienic conditions for both pupils and teachers.

6. The efficiency of instruction, the acquired habits of thought and study, the general intellectual and moral tone of a school are paramount factors, and therefore only schools which rank well in these particulars, as evidenced by rigid, thorough-going, sympathetic inspection, shall be considered eligible for the list.

7. The association will decline to consider any school whose teaching force consists of fewer than four teachers of academic subjects exclusive of the superintendent. The association recommends the introduction of the so-called vocational subjects, such as agriculture, manual training, household arts, and commercial subjects into schools where local conditions render such introduction feasible, but the inspectors will hold that a sufficient number of qualified teachers must be added to provide adequately for such instruction.

8. No school shall be considered unless the regular annual blank furnished for the purpose shall have been filled out and placed on file with the inspector. Schools in good standing will make a complete report on teachers once in three years; but full data relative to changes should be presented annually.

9. No school whose records show an excessive number of pupils per teacher, based on average attendance, shall be accredited. The association recommends twenty-five as a maximum.

10. The time for which schools are accredited shall be limited to one year, dating from the time of the adoption of the list by the association.

11. The agent of communication between the accredited schools and the secretary of the commission for the purpose of distributing, collecting, and filing the annual reports of such schools and for such other purposes as the association may direct, is as follows: (*a*) In states having such an official, the inspector of schools appointed by the state university. (*b*) In other states the inspector of schools appointed by state authority, or, if there be no such official, such person or persons as the secretary of the commission may select.

The association is conservative, believing that such policy will eventually work to the highest interests of all. It aims to accredit only those schools which possess organization, teaching force, standards of scholarship, equipment and esprit de corps, of such character as will unhesitatingly commend them to any educator, college, or university in the North Central territory.

VIII. Standardization of Secondary Schools by State Subsidy — Minnesota

[From *Rules of State High School Board Relating to High and Graded Schools.* Bulletin No. 45, 1913.]

High Schools

1. Application for State Aid.

a. Applications shall be made on the official blank and not later than August 1st of the school year for which aid is asked.

b. Applications shall be referred to the high school inspector. He or an assistant shall visit such schools during the ensuing year, and the inspector shall submit a special report to the high school board at the next annual meeting.

c. The inspector shall not recommend the listing of schools in districts having an assessed valuation of less than $200,000, or a total enrollment of less than 200 pupils. The assessed valuation of associated territory may be counted.

d. High schools hereafter listed are required to maintain two industrial departments in charge of teachers holding special industrial certificates issued by the superintendent of education.

e. A state school shall be defined as a school which has received state aid to high schools, and is under the supervision of the high school board. The application of a school for supervision does not confer a right to the name before state aid has been granted.

2. Granting State Aid.

a. At the annual meeting following a year during which a school has been under supervision, the high school board, taking into consideration the report of the inspector, the report of the examiner, and such other information as may be at hand, shall grant state aid to schools whose work and organization are satisfactory and give promise of permanency. By provision of the law, no school receives aid in excess of the amount expended in carrying out the purposes of the act, exclusive of the cost of buildings and repairs thereon.

b. The high school inspector shall report on the yearly expenditure of each high school. The special report shall include:

(1) The part of the superintendent's annual salary in excess of $600.

(2) The salaries of high school instructors. In case of instructors giving part time to high school work, proportionate credit shall be given, but in case the eighth grade is combined with the high school for purposes of instruction, the entire salary of at least one instructor shall be charged to grade work. No part of such salary shall be counted in reckoning high school expenditure.

(3) The cost of library fixtures and library books. No credit shall be given for expenditure already balanced by gift or by state aid to school libraries. School boards are at liberty, of course, to make any purchase they may desire, but no credit shall be given for the purchase of subscription books or expensive sets unless the inspector's approval shall have been secured prior to such purchase. Free texts for ordinary class use shall not receive credit.

(4) The cost of laboratory fixtures and apparatus. No credit shall be given for charts, for unusual or expensive apparatus, for sets of apparatus, or for any devices sold by traveling agents, unless the approval of the inspector shall have been secured prior to such purchase.

3. Removal from the List.

Schools failing to comply with these regulations, or not maintaining the required standard of efficiency may be dropped from the list. The inspector shall advise the local superintendent and the clerk of such possible action.

4. Requirements for Admission to State High School List.

a. A suitable building providing not less than five grade rooms below the high school, and high school quarters consisting of at least an assembly room, a recitation room for each instructor, a laboratory and an office. The conditions for health and other sanitary appointments, including toilets, water supply and disposal

of sewage shall conform to the rules made by the superintendent of education. All school buildings hereafter constructed, remodeled or enlarged shall be equipped with a fan system of ventilation, sanitary drinking fountains, and flush toilets. Plans for new buildings or for reconstruction of old buildings must be submitted to the superintendent of education for approval before contract is let or work begun, according to provision in Sec. 6, Chapter 550, Laws of 1913.

b. A well organized graded school, having not less than five distinct departments below the high school, and including not less than eight grades of elementary school instruction.

c. An observance of the rules for the equipment of a graded school.

d. A qualified superintendent having general charge of grading, instruction, discipline and care of building.

e. A liberal schedule of salaries.

f. Classes in four years of high school work, with a good prospect of classes to follow in regular succession.

5. Conduct of the School.

a. Students admitted to the high school shall have satisfactorily completed the common school branches.

b. Permanent records shall be kept to show where each grade pupil belongs, and what work each high school student has completed. A system of card records is recommended. Special and annual reports are to be made by the superintendent and the clerk to the state inspector and the county superintendent of schools.

c. The school shall hold sessions of not less than nine months each year.

d. The high school shall be open, free of tuition, to non-resident pupils upon passing the examination required by law.

NOTE. — This rule does not apply to industrial departments for which special aid is granted.

e. The high school department shall be placed in charge of a qualified principal. Not counting the superintendent, or the industrial teachers for whose departments special aid is granted, a special instructor shall be provided for each 30 students or major fraction thereof. In addition to the superintendent, every school shall employ at least two teachers, who shall give their full time to high school work.

f. The superintendent shall be provided with an ample recitation room and an office. He shall have reasonable time in school hours for general supervision and shall teach not to exceed four classes daily, laboratory subjects to count double.

g. School boards shall adopt a liberal policy in supplying the following library facilities and scientific equipment as rapidly as classes come forward to need them:

(1) Material in sets for a four years' course in high school reading.

(2) A botanical or zoological outfit of tables, inexpensive dissecting microscopes, one compound microscope, dissecting instruments, glass jars and alcohol or formalin for preserving material, etc.

(3) Apparatus and equipment adequate to carry on a year's work in physics as outlined in manuals.

(4) Suitable desks, chemicals and glassware for a year's work in chemistry.

(5) A working school library for the use of students in the preparation of their daily work. It is better to equip the classes one or more at a time, and equip each thoroughly, than to scatter a small appropriation. The principal subjects which require assistance from a working library are: English literature, general history, civics, political economy, senior American history, senior geography, physiography, chemistry, physics, zoology, botany, foreign languages.

h. The school board of each school shall issue diplomas to those students who shall be certified by the superintendent to have completed in a creditable manner the preliminary subjects and the work covered by twelve high school credits, a four years' course in English, reading and composition. A year's work in a subject is a credit.

i. The superintendent shall receive a salary of not less than $1,200 a year, high school instructors shall be paid not less than $540 a year.

j. The qualifications of teachers shall be those prescribed under "Requirements in Regard to Certificates of Teachers in High and Graded Schools."

k. Before entering into contracts or paying salaries, school boards shall require all teachers and instructors to present their certificates to the superintendent for inspection and record. He shall keep this record on file in his office, and shall furnish a copy of the same to the clerk of the school board.

Schools Receiving $2,500 and $1,800 Industrial Aid

The following rules apply to both classes of schools, except as specifically stated. (High and graded schools.)

1. Applications for State Aid.

a. Applications shall be made before the first day of August of the first year for which aid is asked on the blank form prepared for the purpose.

b. Each school must be listed provisionally by the high school board before it begins work. If at the end of the first semester it has complied with the conditions, it shall be officially designated for that year.

c. Each school district of less than eighteen sections listed for the $2,500 aid is required to effect association with rural school districts so as to embrace within its territory at least eighteen sections.

2. Award of Aid.

a. The annual award shall be made at the regular August meeting of the high school board and shall be based on a compliance with the statutes and the rules of this board relative to amount of aid for which the school has qualified.

b. Each school qualifying for $2,500 aid shall receive not exceeding $2,500 per year, and in addition thereto $150 per year for each associated rural school district, but in no case shall the total amount received by any such school exceed two-thirds of the sum actually expended upon such agricultural and industrial department as certified to the state high school board.

c. Each school qualifying for $1,800 aid shall receive not exceeding $1,800 per year, and in addition thereto $150 per year for each associated rural school district, but in no case shall the amount awarded exceed the actual expenditure of the school for an agricultural department and a department of home economics or manual training as certified to the high school board.

d. In reckoning aid, credit shall be given for:

(1) Salaries of special instructors — in case part time is devoted to this work corresponding credit shall be given.

(2) Equipment, including tools and apparatus.

(3) Supplies, including seeds.

(4) Labor and team work.

(5) Reference books.

(6) Extension work in rural schools and among farmers.

(7) Transportation of instructors.

3. Courses of Study.

a. The industrial courses required by law and covered by these rules shall be maintained throughout the school year.

b. The work in agriculture shall include:

(1) A course based on text books, bulletins and lectures. Agron-

omy and animal husbandry shall be given not less than a year each. It is desirable that botany, chemistry, zoology and physics should be given an agricultural trend, but these subjects shall not be counted as a part of the four-years' course in agriculture.

(2) A general course of one year to include gardening, fruit growing, dairying and poultry raising.

(3) A laboratory course, including physical examination of soils, preparation of weed-seed cases, testing of seeds, testing for butter fat, grain judging, stock judging, etc.

(4) Special work along some line of local interest such as dairying, corn breeding, small grain, potatoes, fruit, meat products, poultry, etc. The school shall not only maintain a standard of general efficiency, but shall develop strength in chosen specialty.

(5) The organization of institute work in cooperation with extension division of the college of agriculture of the state university.

(6) A short course of three months. In case local conditions are unfavorable, the course may be discontinued with the written consent of the inspector.

4. Instructors.

a. In a school receiving $2,500 aid the corps shall include not less than three special instructors, one qualified to teach agriculture, one shopwork, and one home economics. The entire time of each instructor shall be devoted to his department.

b. In a school receiving $1,800 aid two industrial instructors shall be employed, one qualified to teach agriculture and one to teach either home economics or manual training. These instructors shall be in addition to the instructor per thirty students required for state high school aid.

c. The principal of a graded school having not to exceed five grade teachers may teach one industrial subject. In such case he must have the qualifications of an industrial teacher.

d. The agricultural instructor shall be employed for the full calendar year of twelve months. The year of employment shall begin August 1st. His entire time shall be given to the teaching of agriculture and extension work, provided that in schools receiving $1,800 aid the instructor in agriculture may with the written consent of the inspector be permitted to teach one additional subject, particularly one related to agriculture. This rule shall not prevent the principal of a graded school from acting as instructor of agriculture.

e. The instructor shall be provided with laboratory facilities. During the fall and the spring of the year he shall have not less than a continuous half day for outside and extension work. He

shall make a close study of local conditions, and attend markets, horticultural meetings, meetings of creamery and stock-breeding and other associations, and such other gatherings as afford opportunity to make the acquaintance of farmers.

f. The instructor in agriculture may not direct manual training, but in schools receiving $1,800 aid instructors in manual training or home economics may, if qualified, devote part time to academic work. The work in home economics may be divided between two instructors, one for sewing and the other for cooking.

g. The legal qualifications of instructors shall be those prescribed under "Requirements in regard to Certificates of Teachers in High and Graded Schools."

5. Demonstration Plot.

Each school receiving $2,500 aid shall maintain a demonstration plot of five acres or more. This plot shall be owned by the school district or be held under a long lease. It must be kept free of weeds and in a state proper for cultivation and for demonstration purposes. The border shall be seeded down into a sward. A part of the plot shall be devoted to a permanent rotation of field crops of which a record shall be kept by the instructor.

6. Equipment.

a. Agriculture. The instructor shall have one or more rooms exclusively for his work. The class-room shall be equipped with a well-arranged reference library, including bulletins, and facilities for displaying agricultural products. The laboratory shall be provided with apparatus for testing soils, milk and seeds. The agricultural quarters shall be easily accessible to visitors or persons bringing in farm products. An outside entrance is desirable.

b. Home Economics.

(1) In schools receiving $1,800 aid a special room shall be fitted up with tables, cooking utensils, table service, cupboards, and conveniences for storing kitchen supplies. An adequate equipment shall also be provided, including cutting tables, one or more sewing machines, materials suitable for patterns, the materials required for exercise, and such implements as are required in the usual sewing room.

(2) In schools receiving $2,500 aid the quarters shall include a dining room or administration room, a kitchen laboratory, and a room equipped with tables and machines for sewing.

c. Manual Training. A special room for woodwork shall be provided with benches and the necessary tools. Materials for exercises shall be supplied free of charge. Lumber for articles taken home may be charged for at cost. Schools receiving $2,500 aid shall provide facilities for blacksmithing.

d. The rooms used for industrial purposes must be approved by the inspector. Where but one room is used for a department not less than 700 square feet of floor space shall be considered adequate, and all rooms must be properly lighted and well ventilated.

e. Schools receiving $2,500 aid shall maintain a farm building large enough to store supplies, tools, and machinery, in case the plot is remote from school building.

7. Credits.

If the work be done satisfactorily, two periods given daily to an industrial subject or subjects for one year shall count as a credit.

CHAPTER XIV

INDUSTRIAL EDUCATION

The Economic Trend of Education. — As the political idealism of the nineteenth century produced the free, tax supported and state controlled school system, the economic necessities of the first decades of this century produced a series of modifying forces that are certain to alter both the form and the function of the different grades of institutions belonging to the public educational scheme. A number of the important features of the vocationalizing process, resulting in the marked variation of educational procedure and organization and in the likely public preference for new types of educational institutions, are emphasized in these five selections that deal with the general subject of industrial education.

I. Public Education and Industrial Training

1. *The Unity of the Public Educational System*

[From Dewey, John, *An Undemocratic Proposal,* in *Vocational Education,* Vol. II (1913), pp. 374–377.]

No question at present under discussion in education is so fraught with consequences for the future of democracy as the question of industrial education. Its right development will do more to make public education truly democratic than any other one agency now under consideration. Its wrong treatment will as surely accentuate all undemocratic tendencies in our present situation, by fostering and strengthening class divisions in school and out. It is better to suffer a while longer from the ills of our present lack of system till the truly democratic lines of advance become apparent, rather than separate industrial education sharply from general education,

and thereby use it to mark off to the interests of employers a separate class of laborers.

These general considerations have a particular application to the scheme of industrial education which has been proposed for adoption by the next legislature of the state of Illinois — one of the leading industrial states of the Union, and containing its second largest city. This scheme proposes a separate State Commission of Vocational Education and a separate Board wherever the community may wish to develop any form of industrial education. In other words, the entire school system of the state as a whole and of such communities of the states as may desire to do something definite in the direction of industrial education, is split into two for the education of all above fourteen years of age. Since whatever a state like Illinois may do in such a matter is sure to have influence in other states in this formative period, educators all over the country should be aroused to help ward off what, without exaggeration, may be termed the greatest evil now threatening the interests of democracy in education.

The statement of the scheme ought to be enough to condemn it. The least reflection shows fundamentally bad features associated with it. First, it divides and duplicates the administrative educational machinery. How many communities have such an excess of public interest in education that they can afford to cut it into two parts? How many have such a surplusage of money and other resources that they can afford to maintain a double system of schools, with the waste of funds and the friction therein involved? Second, the scheme tends to paralyze one of the most vital movements now operating for the improvement of existing general education. The old time general, academic education is beginning to be vitalized by the introduction of manual, industrial and social activities; it is beginning to recognize its responsibility to train all the youth for useful citizenship, including a calling in which each may render useful service to society and make an honest and decent living. Everywhere the existing school system is beginning to be alive to the need of supplementary agencies to help it fulfill this purpose, and is taking tentative but positive and continuous steps toward it. The city of Chicago in this same state of Illinois probably ranks behind no other city of the country in the extent and wisdom of the steps already taken, steps which will of necessity be followed by others just as fast as those already taken demonstrate their efficiency.

EVILS OF SEPARATE CONTROL WORK BOTH WAYS

These two movements within the established American public school system, the proposed scheme, if adopted, will surely arrest. General education will be left with all its academic vices and its remoteness from the urgent realities of contemporary life untouched, and with the chief forces working for reform removed. Increasing recognition of its public and social responsibilities will be blasted. It is inconceivable that those who have loved and served our American common school system will, whatever the defects of this system, stand idly by and see such a blow aimed at it. Were anything needed to increase the force of the blow, it is the fact that the bill provides that all funds for industrial education raised by the local community be duplicated by the state, although the funds contributed by the state for general school purposes are hardly more than 5 per cent of the amount raised by local taxation.

Thirdly, the segregation will work disastrously for the true interests of the pupils who attend the so-called vocational schools. Ex-Superintendent Cooley of Chicago, who is understood to be responsible for the proposed bill in its present form, has written a valuable report on "Vocational Education in Europe." He quite rightly holds in high esteem the work and opinions of Superintendent Kerschensteiner of Munich. It is noteworthy, that this leading European authority insists upon all technical and trade work being taught in its general scientific and social bearings. Although working in a country definitely based on class distinction (and where naturally the schools are based on class lines), the one thing Superintendent Kerschensteiner has stood for has been that industrial training shall be primarily not for the sake of industries, but for the sake of citizenship, and that it be conducted therefore on a purely educational basis and not in behalf of interested manufacturers. Mr. Cooley's own report summarizes Mr. Kerschensteiner's views as follows:

"If the boy is to become an efficient workman he must comprehend his work in all of its relation to science, to art, and to society in general. . . . The young workman who understands his trade in its scientific relation, its historical, economic and social bearings, will take a higher view of his trade, of his powers and duties as a citizen, and as a member of society."

Whatever may be the views of manufacturers anxious to secure the aid of the state in providing them with a somewhat better grade of laborers for them to exploit, the quotation states the point of view which is self-evident to those who approach the matter of

industrial education from the side of education, and of a progressive society. It is truly extraordinary that just at a time when even partisan politics are taking a definitely progressive turn, such a reactionary measure as the institution of trade and commercial schools under separate auspices should be proposed. It is not necessary to argue concerning the personal motives of the bankers and manufacturers who have been drawn into the support of the measure. Doubtless many of them have the most public spirited intentions. But no one experienced in education can doubt what would be the actual effect of a system of schools conducted wholly separate from the regular public schools, with a totally different curriculum and with teachers and pupils responsible to a totally independent and separate school administration. Whatever were the original motives and intentions, such schools would not and could not give their pupils a knowledge of industry or any particular occupation in relation to "science, art and society in general." To attempt this would involve duplicating existing schools, in addition to providing proper industrial training. And it is self-evident that the economical and effective way to accomplish this move is to expand and supplement the present school system. Not being able to effect this complete duplication, these new schools would be confined to aiming at increased efficiency in certain narrow lines.

UNITY OF PUBLIC SCHOOL SYSTEM ESSENTIAL

Those who believe in the continued separate existence of what they are pleased to call the "lower classes" or the "laboring classes" would naturally rejoice to have schools in which these "classes" would be segregated. And some employers of labor would doubtless rejoice to have schools supported by public taxation supply them with additional food for their mills. All others should be united against every proposition, in whatever form advanced, to separate training of employees from training for citizenship, training of intelligence and character from training for narrow industrial efficiency. That the evil forces at work are not local is seen in the attempt to get the recent national convention on industrial education in Philadelphia to commit itself in favor of the Illinois scheme.

The only serious danger is that a number of sympathetic and otherwise intelligent persons should be misled, and on the basis of a justified enthusiastic support of the principle of industrial education (with whatever supplementary agencies may be found necessary) jump to the support of this scheme, not realizing what

is really involved in it. Such persons should first inform themselves as to what is already being done in this direction in the more progressive public schools, and should then devote their spare energies to backing up and furthering these undertakings, and to creating a public opinion that will affect the more backward and conservative public school systems. The problem is a difficult one, but many intelligent, though unadvertized, attempts are already making for its solution; and its difficulty is no reason for permanently handicapping the interests of both common school education and a democratic society by abruptly going back upon what, with all its defects, has been the chief agency in keeping alive a spirit of democracy among us — the American public school system.

2. *The Distinction between a System of General Education and a System of Industrial and Technical Education*

[Pritchett, Henry S., in *5th An. Rept. Carnegie Foundation for the Advancement of Teaching*, 1910, pp. 77–78.]

There is to-day a widespread movement in the United States looking toward the development of industrial and technical education. No one who knows the industrial conditions of America can doubt the need of such schools. The apprentice system, in which hitherto our skilled workmen were trained, has passed away. To-day in all civilized states the workman must learn the fundamentals of his trade in some form of school which takes the place of the apprenticeship of former days. With this foundation, he may then hope to become, with moderate practice, a skilled journeyman, and one with a far larger outlook than his father had before him. In order that this plan may succeed, it is necessary that the trade school should be thorough, and that the boy trained in it should have access, as a junior journeyman, to the trade which he chooses.

In the general movement now going on for the development of industrial and trade schools, two plans have been advocated. One is that trade instruction shall be incorporated directly into the school system of the country; in other words, that the high school itself shall become, for those who desire to make it such, a trade school. The advocates of the other plan urge that trade instruction should be given in separate schools, these trade schools being articulated at the proper place with the general system of schools.

It seems likely that successful trade instruction will in this country be brought about in both these ways; but at the same time it is well to remember that the system of general education of a

country cannct be turned into a system of utilitarian schools without sacrificing the essential things for which a system of general education stands. The public school system of the United States is intended for the general training of children and youth in those studies which make for intelligence, for honesty, for industrious living, for patriotic devotion to their country, and for training in the social obligations of a democracy. Into such a school the study of agriculture may, for example, rightly be introduced, and become a helpful and useful study. But it will not be possible to change the school into an agricultural trade school without losing the essential things for which the public school stands. The same is equally true of other trade subjects, as for example shop-work. For this reason I am inclined to think that many who advocate the extensive introduction of practical studies into the public high schools will be disappointed in the results which will come through their introduction. In a country high school the study of agriculture will not result in turning out from this high school fully trained practical farmers. Agriculture, however interesting and useful it may be made in such a school, must nevertheless serve the purpose which all other studies serve, — the general training and culture of the pupils. This fact appears to be overlooked by those who believe that the mere introduction of agriculture as a study in the rural high schools will at once turn back to the farm great numbers of boys and girls who now earn a livelihood elsewhere.

The high school and the elementary school in America belong to the system of schools intended for the general education of the whole people. They may be enlarged and improved by including in their curricula studies which touch closely the lives of their pupils. They cannot, however, be turned into trade schools without sacrificing the main reason for which they exist.

3. *Social and Educational Need for Vocational Training is Equally Urgent*

[From *Report of the Federal Commission on National Aid to Vocational Education.* House Doc. 1004, 63d Cong. 2d Sess. 1914, pp. 23–27.]

This conclusion is based on such considerations as the following:

1. Vocational Training is Needed to Democratize the Education of the Country:

(*a*) By recognizing different tastes and abilities and by giving an equal opportunity to all to prepare for their life work. — Equality of opportunity in our present system of education is not afforded to the mass of our children. While our schools are opened freely to every child, their aims and purposes are such that a majority of the children are unable to take advantage of them beyond a certain grade and hence do not secure at public expense a preparation for their work in life. Although here and there we see the beginnings of change, it is still true that the schools are largely planned for the few who prepare for college rather than for the large number who go into industry.

Only half of the children who enter the city elementary schools of the country remain to the final elementary grade, and only 1 in 10 reaches the final year of high school. On the average, 10 per cent of the children have left school at 13 years of age; 40 per cent have left by the time they are 14; 70 per cent by the time they are 15; and 85 per cent by the time they are 16 years of age. On the average the schools carry their pupils as far as the fifth grade, but in some cities great numbers leave below that grade.[1]

If we assume that all children should have a minimum school training equivalent to the eight grades of the elementary school, we must acknowledge that the schools now furnish this minimum to less than half the children who enter them. The rest leave school with inadequate general education and with no special training to fit them for work. Vocational courses are, therefore, needed to attract and hold in school pupils who now leave because they are unable to obtain suitable preparation for useful employment. For such pupils the vocational courses also offer the only opportunity the schools have to give further training in citizenship.

Our whole scheme of education presupposes leisure to acquire academic culture or to prepare for leadership in the professions. Vocational culture and training for leadership in industry is equally important, and these can come only when education is broadened to meet the needs of all the children; so that each and every one may have a chance to develop in accordance with his or her capacity and be prepared to render to society the particular service of which he or she is capable.

(*b*) By extending education through part-time and evening instruction to those who must go to work in the shop or on the farm. — Only a meager percentage of the workers of to-day are trained for their work, and the armies of children going out from school at 14 and 15 years of age annually swell the ranks of the untrained.

[1] Ayres, *Laggards in our Schools*.

Whether from necessity or not, the economic fact is that the mass of children go to work as soon as the laws of the various states permit. It is not solely because the children and their parents do not appreciate the value of an education that more than half of the entire number who enter the elementary school do not remain to complete it. It is, at least to some extent, because neither they nor their parents are able to see in the schools of to-day an opportunity for education and training to fit for callings which they must pursue. It is for the States and the Nation, not only to see that these children are prepared for life's battles before they leave school, but to supplement their work by after training in part-time and evening schools, so as to insure them the largest possible opportunity for development in everything that makes for useful and happy citizenship.

The United States is one of the few large nations which does not provide by legislation for the continued education of children who become wage earners at 14 years of age. The period from 14 to 18 years of age is the one in which the youth is finding himself in society and setting up standards which will largely determine his future conduct and career, and it is therefore important to continue his training both for general civic intelligence and for vocational preparation. If allowed to drift during this period, or if placed in an unwholesome or degrading environment, he may fail to realize his own possibilities of development and may become a dependent or injurious member of society. The adolescent period is, therefore, the critical period during which the individual wage earner needs training for citizenship as well as training for work.

2. Vocational Training is Needed for Its Indirect but Positive Effect on the Aims and Methods of General Education:

(*a*) By developing a better teaching process through which children who do not respond to book instruction alone may be reached and educated through learning by doing. — There are many over age children in the grades, many who fail to be promoted from year to year and soon lose interest and drop out of school. Many of these retarded children are present in the few elementary vocational schools already established in this country, and many teachers in these schools have testified to the remarkable progress made by these children under a kind of instruction which is suited to their interests and abilities, which utilizes the experience of the child and relates the instruction to his motor activities. This is the most successful way of teaching the normal child or man.

At the same time it should be pointed out that so far as voca-

tional schools themselves are concerned they are by no means institutions for the primary purpose of dealing with slow or retarded children. These schools are such as to call for the best efforts of study of vigorous and intelligent boys and girls seeking preparation for an important life work.

(*b*) By introducing into our educational system the aim of utility to take its place in dignity by the side of culture, and to connect education with life by making it purposeful and useful. — The mission of vocational education is not only to provide definite training in the technique of the various occupations, but to relate that training closely to the science, mathematics, history, geography, and literature which are useful to the man and woman as a worker and a citizen. Under such instruction the student worker becomes familiar with the laws of health and with his rights and obligations as a worker and a citizen in relation to his employer, his fellow employees, his family, the community, the State, and the Nation. By thus relating education closely to the world's experience it becomes purposeful and useful and enables the worker to see the significance of, to use and to interpret in terms of his own experience, the knowledge and culture which the race has accumulated. Such education is at least entitled to a place in dignity by the side of the more formal and literary culture now given by the school.

3. Industrial and Social Unrest is Due in Large Measure to a Lack of Vocational Training.

The absence of opportunity for creative work and, hence, for full self-expression is, without doubt, one of the causes of much of the present unrest. The tendency of large scale production to subdivide labor almost indefinitely and to confine a worker to one monotonous process, requiring little save purely manipulative skill, while effective so far as the material product is concerned, is serious when measured in terms of human values. It is safe to say that industry in its highly organized form, with its intense specialization, is in the main narrowing to the individual worker, and while "hands" alone may satisfy the immediate demands of industry, the failure to recognize and provide for human progress and development is producing a restless and discontented people.

Out of this unrest comes a demand for a more practical education for those who toil, an education that will better fit them to progress in industry and enable them to rise to ranks of leadership and responsibility. Everywhere it is the opinion of those who are

studying the conditions of society that the lack of practical education is one of the primary causes of social and industrial discontent.

Evidence such as that presented by bureaus which are struggling with the problem of unemployment emphasize this need. One of these bureaus states that less than three out of fifty men who apply for work have ever had any sort of trade training or apprenticeship. Most of them have been forced to fit into some particular niche of industry as young untrained boys, have been too readily thrown out with the introduction of new inventions or devices, and help to swell the army of the unemployed. A former State pardon attorney has said that "nearly three-fourths of the persons found in our penitentiaries are persons unable to earn a living excepting at the most rudimentary form of labor."

4. Higher Standards of Living are a Direct Result of Better Education.

Better standards of living are in the main dependent upon two important factors — namely, an increased earning capacity for the great mass of our people and a better understanding of values. Vocational education aims at both. Where there is intense poverty there is little hope of developing higher standards. The one hope of increasing the family income lies in better vocational training.

It is equally true that vocational education enlarges the worker's vision and arouses within him a desire for progress. This is shown by the number of men and women who, by means of further training and education, raise themselves from the ranks of unskilled labor to take positions requiring large directive powers, and responsibilities. Our only hope of progress is in helping the individual to help himself. This is at the bottom of all social uplift. To educate boys and girls to perform their chosen tasks better; to understand the relation of their particular work to the whole; to know what their labor is worth and demand a proper return for it, and to broaden their horizon so that both their money and their leisure time may be spent for the things that are most worth while — this is the task of vocational education.

II. The State System of Vocational Education

1. *Principles and Policies that should Underlie State Legislation for a State System of Vocational Education*

[From a *Tentative Statement of Principles and Policies* formulated at a meeting of a Committee of the National Society for the Promotion of Industrial Education, in Annual Convention, at Philadelphia, December, 1912, and approved by the Board of Managers of the Society, February, 1913, in Annual Report, 1912, pp. 292–297.]

1. *State aid is necessary* to stimulate and encourage communities to carry on work in vocational education. At the same time legislation should provide that local communities should be permitted to initiate and maintain vocational training, if desired, entirely apart from state support and supervision.

2. *Vocational education* includes all forms of specialized education, the controlling purposes of which are to fit for useful occupations.

3. *The fields of vocational education* considered here are industrial education, agricultural education, commercial education and household arts education.

4. *Industrial education* denotes the field of vocational education designed to meet the needs of the manual wage-worker in the trades and industries and the household.

5. *Agricultural education* is that form of vocational education which fits for the occupations connected with the tillage of the soil, the care of domestic animals, forestry, and other useful work on the farm.

6. *Commercial education* denotes the field of vocational education designed to meet the needs of the wage-earner employed in such business and commercial pursuits as bookkeeping, stenography, typewriting, clerical work, salesmanship.

7. *Household arts education* is that form of vocational education which fits for non-wage-earning occupations connected with the household.

8. *Vocational schools* as referred to in this document, include all agricultural, industrial, commercial and household arts schools, the controlling purpose of which is to fit for useful occupations, and which deal with pupils above fourteen years of age and below college grade, as indicated below.

9. *An all day vocational school* is a school giving training to young

persons over fourteen years of age who can give one or more years to such preparation before entering employment.

10. *A part-time vocational school* is a school for persons engaged in useful employment which affords instruction during a portion of the working time of the pupils that is supplementary to such employment.

11. *Evening schools or classes in industry or agriculture* are schools or classes attended by persons over sixteen years of age, already engaged in useful employment, which provide instruction directly related to such employment.

12. *Evening schools or classes in household arts* are schools or classes giving instruction in home-making to pupils over sixteen years of age, however employed during the day.

13. *The proper expenditure of state moneys* for vocational schools should be fully safe-guarded, while, at the same time, the initiative in adapting measures to local conditions should be left to the local authorities. The relation of the state to the community in the matter of industrial education should be that of partners, in which the non-resident partner has the right of inspection and approval in return for partial support of the educational venture.

14. *State aid should be sufficient* to induce localities to take up the work and to justify reasonable participation on the part of the state in control and administration, but on the other hand, state aid should not be so large as to sacrifice local initiative and support. Experience seems to show that the best results are secured when the local community is required to furnish the plant and equipment and pay approximately one-half of the operating expenses.

15. *Payments to local communities* by the state should not be made automatically, but only with the approval and recommendation of the state board of control for work actually accomplished. In passing upon the school, the state board should have the power to approve every feature of its work, including all such items as location, equipment, course of study, methods of instruction, qualifications of teachers, and expenditures of money.

16. *Legislation should be so drawn* for this purpose that a large amount of discretion is left to the state boards of control in the definition of principles and standards for the inspection, supervision, approval, and reimbursement of the work.

17. *Attendance should be free* upon a state-aided vocational school for all persons in the state otherwise eligible, whether they are or are not residents of the community in which the school is maintained. In order to meet the case of pupils non-resident in the community, provision should be made for meeting the tuition

costs of such pupils by the joint contribution of the community in which the child resides and the state.

18. *Administrative and executive functions.* For the purpose of this statement of principles, it is necessary to distinguish sharply between the functions of the administrative authority and those of the executive or expert employed by the administrative authorities.

19. *Administrative control* is that exercised by a board such as a State Board of Education or a State Commission on vocational education or a local educational authority, as to rules and regulations concerning such matters as expenditure of moneys, courses of study, employment of teachers, etc., which in general might be described as legislative as contrasted with executive functions.

20. *Executive functions* are those exercised by a superintendent of schools, commissioner of education, or the director of an industrial school, in carrying out the decisions of the board of control and other necessary executive work.

21. *Effective administrative control,* on the part of the state, of both vocational and general education, requires the existence of a State Board possessing sufficient powers effectively to supervise all forms of education receiving financial aid from the state. Should such a board not exist, in any state, or should it be found that an existing board is unprepared to deal effectively with the establishment and promotion of vocational education, then it is expedient and desirable that a special administrative Board of Control for Vocational Education shall be established until such time as a state board properly qualified to deal with all forms of state-aided education shall exist.

22. *Effective administrative control* on the part of the local community of both vocational and general education requires the existence of a local school board or committee possessed of ample power to establish and maintain, under proper state supervision, general and vocational schools. When the existing local administrative authority for general education does not provide for the establishment and promotion of adequate vocational education, legislative provision should exist, enabling industrial and other occupational interests, under proper restrictions, to procure the creation of a special Board of Control for Vocational Education.

23. *To secure effective administrative control* of vocational education, wherever practicable representation of employing and employed interests should be provided in administrative boards. In cases where vocational education is carried on by the regular local school board or committee, it is strongly urged that the

local authorities give adequate representation on such boards or committees to the employing and employed interests.

24. *Effective executive or expert control.* The following features should be recognized: (1) The creation by law of a separate department for vocational education, whether under the regular state board of education or otherwise; (2) The placing at the head of this department of a competent deputy commissioner, superintendent, director, or supervisor, who shall be an expert in vocational education and shall be familiar with industrial conditions; (3) A salary sufficient to attract and hold a competent man, and such conditions of tenure of office as would remove him from the ranks of political employees; (4) The delegation to this official of large powers and responsibilities for superintending the work.

25. *These same principles* should be recognized and applied in the local administration of vocational education.

26. *Efficiency in vocational education* requires different methods of school administration, different courses of study, different qualifications of teachers, different equipment, different ways of meeting the needs of pupils, and a much greater flexibility in adapting means to ends than is possible of development under the ordinary routine of the public school system.

27. *Separation of vocational and general education.* For these reasons, whether administered by regular public school authorities or a separate board of control, and whether conducted in a separate building or under the same roof as the regular school, the work in vocational education should be carried on separately and independently from that of general education, so that it may be left free to realize the dominant aim of fitting for useful employment. This requires a separate organization, under a separate head or a distinctive management, and separate equipment, course of study, pupils, and teachers who shall have had extended practical experience in the industries or occupations they are employed to teach.

28. *Separate schools best.* Experience seems to prove that where conditions admit, this work can be best prosecuted in separate schools, whether under the control of the regular board of education or otherwise.

29. *Cities of more than 25,000 inhabitants* should probably be required to meet the need of vocational education by separate schools rather than in departments of regular schools.

30. *Separateness and dominance of vocational aim.* Should the state desire to give aid to vocational departments in the regular schools, such a department should be defined in the law as a department having a separate head or director who should be treated as an expert in dealing with the problem of vocational education, and

having separate organization of classes, teachers, and courses of study, and separate facilities for carrying on shopwork. The academic work should be such as meets the needs of the pupils of this department, and be subject to the approval of the state board of control as a condition of state aid.

31. *State and local autonomy.* In developing measures for industrial education for the different states, it is essential in order to secure the best results that each state shall, subject to the foregoing principles, adopt the plan for the administration of this new form of education which is best adapted to its own needs and which will provide the best results under its particular social, economic, industrial, educational, and administrative conditions.

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2. *Wisconsin Laws: Vocational Schools*

[Chapter 616, *Laws 1911*, as amended.]

SECTION 553p — 1. 1. There is hereby created a state board of industrial education to be appointed by the governor. The board shall consist of six appointive members, three of whom shall be employers of labor and three of whom shall be skilled employees. The state superintendent of education and the dean of the extension department and the dean of the college of engineering of the University of Wisconsin shall be *ex officio* members of this board.

2. Each appointive member shall hold office for two years and shall receive traveling expenses and one hundred dollars per year. In the first appointments the governor shall designate three members to serve for one year and three members to serve for two years from the first day of July of the year in which the appointments are made. All appointments thereafter shall be for two years except appointments to fill vacancies, which shall be for the unexpired portion of the term.

3. Said board: (1) Shall have control over all state aid given under this act; (2) Shall meet quarterly and at such other times as may be found necessary; (3) Shall report biennially.

SECTION 553p—2. 1. The state superintendent of education shall appoint an assistant in the department of public instruction to be known as the assistant for industrial education. He shall with the advice, consent and direction of the state superintendent of education have general supervision over the public industrial schools, and over all public evening schools, continuation schools and commercial schools created under this act. The laws relating

to agricultural schools and the Platteville Mining Trade School shall remain unaffected by this act.

2. The salary of the assistant shall be fixed by the state superintendent of education with the approval of the state board of industrial education.

3. The state superintendent of education shall have in addition to the assistant for industrial education such other assistants as he shall deem necessary for work in the same general field.

4. All positions except that of assistant for industrial education shall be filled by civil service examination, as provided by chapter 363 of the laws of 1905. But the total salary list exclusive of the salary of the assistant shall not exceed ten thousand dollars for any one year.

5. The assistant shall have all necessary expenses to attend conventions and make investigations within or outside of the state when such expenses shall have been previously authorized by the state superintendent of education.

SECTION 553p — 3. 1. In every town or village or city of over five thousand inhabitants there shall be, and in towns, cities and villages of less than five thousand inhabitants there may be a local board of industrial education, whose duty it shall be to foster and establish and maintain industrial, commercial, continuation and evening schools. Said board may take over and maintain in the manner provided in this act any existing schools of similar nature.

2. Such board shall consist of the city superintendent of schools *ex-officio* or the principal of the high school *ex-officio*, if there be no city superintendent, or the president or chairman of the local board charged with the supervision of the schools in case there be neither of the above mentioned officers, and four other members, two employers and two employees, who shall be appointed by the local board charged with the supervision of the schools and who shall serve without pay.

3. The term of the appointive members of the local boards of industrial education shall be two years from the first of January of the year in which they are appointed; provided, however, that in the first appointment two members shall be appointed who are to serve for only one year from the first of January of the year in which they are appointed. All subsequent appointments shall be for two years, except appointments to fill vacancies, which shall be for the unexpired portion of the term.

4. The local board of industrial education shall elect its officers from its membership, a chairman and a secretary. The local boards of industrial education, with the coöperation of the state board of industrial education, shall have general supervision of the instruction in the local schools created under this act.

5. No state aid shall be granted to schools created under this act, without the approval of the local board of industrial education. No money appropriated by the city, town or village for these schools shall be spent without the approval of the local board of industrial education.

6. The teachers in the schools created under this act shall be employed and their qualifications determined by the local board of industrial education.

7. This board shall have power to purchase all machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of the schools under its supervision. Existing school buildings and equipment shall be used as far as practicable.

8. The board is empowered to make contracts with the extension division of the University of Wisconsin to give instruction in such branches as the department may offer, when in the judgment of the local board such instruction can be secured to better advantage than by local provision.

9. Whenever twenty-five persons qualified to attend an industrial, commercial, continuation or evening school file a petition therefor with the local board of industrial education the board shall establish such school or schools or provide other facilities as authorized in this act.

SECTION 553p—4. 1. The local board of industrial education of every city, village or town shall report to the common council, or village or town clerk at or before the first day of September in each year, the amount of money required for the next fiscal year for the support of all the schools established or to be established under this act in said city, village or town, and for the purchase of necessary additions to school sites, fixtures and supplies.

2. There shall be levied and collected in every city, village or town, subject to taxation under this act, a tax upon all taxable property in said city, village or town, at the same time and in the same manner as other taxes are levied and collected by law, which together with the other funds provided by law and placed at the disposal of said city, village or town for the same purpose, shall be equal to the amount of money so required by said local board of industrial education for the purposes of this act.

3. The rate of tax levied for the purposes of this act in any town, village or city shall not in any one year exceed one-half mill for the maintenance of all schools created under this act.

4. The said taxes for the purpose named in this section shall be in addition to all other special and general taxes levied for town, village or city purposes and shall be for the use and support of schools established under this act.

5. The treasurer of the town, village or city shall keep such money separate from all other money, to be used exclusively for the purpose of industrial education as herein provided. All moneys appropriated and expended under this act shall be expended by the local board of industrial education and shall be paid by the town, village or city treasurer on orders issued by said board and signed by its president and secretary.

6. All moneys received by said board shall be paid to the town, village or city treasurer for the fund of the local board of industrial education.

Section 553p. — 5. 1. The courses of study in these schools shall be approved by the state superintendent of education and the state board of industrial education, and shall include English, citizenship, sanitation and hygiene, and the use of safety devices, and such other branches as the state superintendent and the state board of industrial education shall approve.

2. The local board of industrial education may allow pupils attending any school established under this act, who have had courses equivalent to any of those offered, to substitute other work therefor.

Section 553p. — 6. 1. Not more than ten thousand dollars shall be appropriated from the state funds for the purposes of this act in any one city, town or village, and the state aid shall not be given to more than thirty schools [1] established under this act.

2. A school once granted state aid shall be entitled thereto as long as the character of its work meets with the approval of the state superintendent of education and the state board of industrial education.

3. The secretary of the local board of industrial education of each city, town or village, in which such school or schools are maintained, shall on the first day of July in each year, report to the state superintendent of education the cost of maintaining the school, the character of the work done, the number, names and qualifications of the teachers employed, and such other information as may be required by the state superintendent of education.

4. If such report is satisfactory to the state superintendent of education and the state board of industrial education, and they are satisfied that the school or schools have been maintained in a satisfactory manner for not less than eight months during the year ending the thirtieth of the preceding June, the state superintendent of education shall make a certificate to that effect and file it with the secretary of state. The secretary of state shall then

[1] Forty-five schools, Chap. 677, *Laws*, 1913.

draw a warrant payable to the treasurer of such city, town or village in which the industrial school is located for a sum equal to one-half the amount actually expended in such industrial school, continuation school, evening school or commercial school, during the preceding year, but not more than three thousand dollars shall be appropriated to any one school in one year.

SECTION 553p. — 7. The schools established under this act shall be open to all residents of the cities, towns and villages in which such schools are located, of fourteen years of age or over who are not by law required to attend other schools. Any person over the age of fourteen who shall reside in any town, village or city not having an industrial school as provided in this act, and who is otherwise qualified to pursue the course of study may with the approval of the local board of industrial education in any town, village or city having a school established under this act, be allowed to attend day school under their supervision. Such persons shall be subject to the same rules and regulations as pupils of the school who are residents of the town, village or city in which the school is located.

SECTION 553p — 8. The local board of industrial education is authorized to charge tuition fee for nonresident pupils not to exceed fifty cents per week. On or before the first day of July in each year the secretary of the local board of industrial education shall send a sworn statement to the clerk of the city, village or town from which any such person or persons may have been admitted. This statement shall set forth the residence, name, age and date of entrance to such school, and the numbers of weeks' attendance during the preceding year of each such person at the school. It shall show the amount of tuition which under the provisions of this act the town, city or village is entitled to receive on account of each and all such pupils' attendance. This statement shall be filed as a claim against the town, village or city where such pupil resides, and allowed as other claims are allowed.

SECTION 553p — 9. Students attending any school under this act may be required to pay for all material consumed by them in their work in such school at cost prices or in lieu thereof the school board may establish a fixed sum to be paid by each student in each course, which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; any manufactured articles made in such school and that may accumulate shall be disposed of at their market value at the discretion of the school board, and the proceeds shall be paid to the local treasurer for the fund of the local board of industrial education.

SECTION 553p — 10. The state board of industrial education shall

also constitute a body corporate under the name of the "Board of Trustees of the Stout Institute," and shall possess all powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. In such capacity, such board shall also employ such clerks and assistants as may be necessary to properly conduct its affairs. The state treasurer shall be *ex-officio* treasurer of the board, but the board may appoint a suitable person to receive fees or other moneys that may be due such board, to disburse any part thereof, to account therefor, and to pay the balance to the state treasurer.

SECTION 553p — 11. Such board is authorized to accept free of cost to the state and to hold as a trustee for the state, the property of the Stout Institute located at Menomonie, Wisconsin, and to maintain such institute under the name of "The Stout Institute." Provided, that the trustees of said Stout Institute turn over to the state, within two months after the passage and publication of this act, said property free and clear of all incumbrances and debt, released from all claims or interest which the city of Menomonie or the heirs of James H. Stout may have had in said property and having put the building in good condition, and having made such repairs as may be necessary before turning over said property. The board is also authorized to accept such other property or moneys as it may deem advisable to be accepted which can profitably be used by it in promoting the interests entrusted to it. Such board may purchase, have, hold, control, possess and enjoy, in trust, for the state, for educational purposes, any lands, tenements, hereditaments, goods and chattels, of any nature, which may be necessary and required to accomplish the purposes and objects of the board, and may sell or dispose of any personal property when in its judgment it shall be for the interests of the state.

SECTION 553p — 12. The purposes and objects of the institute shall be to instruct young persons in industrial arts and occupations and the theory and art of teaching such, and to give such instruction as will lead to a fair knowledge of the liberal arts, a just and seemly appreciation of the nobility and dignity of labor, and in general to promote diligence, economy, efficiency, honor and good citizenship.

SECTION 553p — 13. 1. The said board shall have power: . . .

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SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act. However in no case shall the sum appropriated for the purpose of carrying out the provisions of

this act exceed the sum of thirty thousand dollars during the fiscal year ending July 1, 1912, nor more than fifty-five thousand dollars per annum thereafter. Twenty thousand dollars of the above moneys shall be set aside annually, beginning July 1, 1911, for the purpose of maintaining the Stout Institute as provided in this act.[1]

SECTION 3. All acts and parts of acts conflicting with any provisions of this act are repealed in so far as they are inconsistent therewith. Provided, however, nothing in this act shall be construed to interfere in any manner with trade schools established under chapter 122, laws of 1907, and amendments thereof, unless the school board of any such city or school district shall by a majority vote adopt the provisions of this act and shall proceed in the manner provided for, for every town, village or city of over five thousand inhabitants as provided in this act.

[1] (SECTION 172 — 49). 1. There is annually appropriated on July first, to the state board of industrial education out of any money in the general fund not otherwise appropriated, a sum not to exceed one hundred fifty thousand dollars, to carry into effect the provisions of sections 553p — 1 and 553p — 3 to 553p — 9, inclusive, and section 553p — 15. No part of this appropriation shall be available as state aid to continuation schools for the school year ending June 30, 1913. (*1913 c. 677.*)

CHAPTER XV

SUPPLEMENTAL EDUCATION

The New Public Education. — Time was when *education* had a meaning practically synonymous with *school*. This meant a narrowing of the conception of education, and a restriction of the activities of the school. As the state school system has been expanded and has assumed new duties, gradually the real meaning of public education has become more apparent. Public education might properly comprehend any socially organized project which had for its justification the communizing of intelligence, — the essential prerequisite for the attainment of popular culture; whether that culture be expressed in terms of a bettered physical condition of life, a higher standard of social conduct, an enlarged sphere of common appreciation and sympathy, or an improved economic productivity. The school as a social center, the library, the farmers' institute and university extension are typical representatives of the expanding dominion of public education. The modern board of health, as it has gained in efficiency and importance, has become less of a police agency and more of an instrument for popular education.

I. The Social Center

A Means of Common Understanding

[From an address delivered by Woodrow Wilson, then Governor of New Jersey, before the First National Conference on Civic and Social Center Development, at Madison, Wis., October 25, 1911.]

I do not feel that I have deserved the honor of standing here upon this occasion to make what has been courteously called the

principal address, because five months ago I did not know anything about this movement. I have taken no active part in it, and I am not going to assume, as those who have preceded me have assumed, that you know what the movement is. I want, if for no other purpose than to clarify my own thinking, to state as briefly as possible, what the movement is.

The object of the movement is to make the schoolhouse the civic center of the community, at any rate in such communities as are supplied with no other place of common resort.

READY FOR USE — THE MEANS OF CONCERTING COMMON LIFE

It is obvious that the schoolhouse is in most communities used only during certain hours of the day, those hours when the rest of the community is busily engaged in bread-winning work. It occurred to the gentlemen who started this movement that inasmuch as the schoolhouses belonged to the community it was perfectly legitimate that the community should use them for its own entertainment and schooling when the young people were not occupying them. And that, therefore, it would be a good idea to have there all sorts of gatherings, for social purposes, for purposes of entertainment, for purposes of conference, for any legitimate thing that might bring neighbors and friends together in the schoolhouses. That, I understand it, in its simplest terms is the civic center movement — that the schoolhouses might be made a place of meeting — in short, where by meeting each other the people of a community might know each other, and by knowing each other might concert a common life, a common action.

SPONTANEOUS DEVELOPMENT

The study of the civic center is the study of the spontaneous life of communities. What you do is to open the schoolhouse and light it in the evening and say: "Here is a place where you are welcome to come and do anything that it occurs to you to do."

And the interesting thing about this movement is that a great many things have occurred to people to do in the schoolhouse, things social, things educational, things political, — for one of the reasons why politics took on a new complexion in the city in which this movement originated was that the people who could go into the schoolhouses at night knew what was going on in that city and insisted upon talking about it, and the minute they began talking about it, many things became impossible, for there are scores of things that must be put a stop to in our politics that will stop the

moment they are talked of where men will listen. The treatment for bad politics is exactly the modern treatment for tuberculosis — it is exposure to the open air.

Now you have to begin at the root of the matter in order to understand what it is you intend to serve by this movement. You intend to serve the life of communities, the life that is there, the life that you cannot create, the life to which you can only give release and opportunity; and wherein does that life consist? That is the question that interests me. There can be no life in a community so long as its parts are segregated and separated. It is just as if you separated the organs of the human body and then expected them to produce life. You must open wide the channels of sympathy and communication between them, you must make channels for the tides of life; if you clog them anywhere, if you stop them anywhere, why then the processes of disease set in, which are the processes of misunderstanding, which are the disconnections between the spiritual impulses of different sections of men.

COMMON CENTER ESSENTIAL TO COMMUNITY LIFE

The very definition of community is a body of men who have things in common, who are conscious that they have things in common, who judge those common things from a single point of view, namely, the point of view of general interest. Such a thing as a community is unthinkable, therefore, unless you have close communication; there must be a vital inter-relationship of parts, there must be a fusion, there must be a coördination, there must be a free intercourse, there must be such a contact as will constitute union itself before you will have the true course of the wholesome blood throughout the body.

Therefore, when you analyze some of our communities you will see just how necessary it is to get their parts together. Take some of our great cities for example. Do you not realize by common gossip even, the absolute disconnection of what we call their residential sections from the rest of the city? Isn't it singular that while human beings live all over a city, we pick out a part, a place where there are luxurious and well-appointed houses and call that the residential section? As if nobody else lived anywhere in that city. That is the place where the most disconnected part and in some instances the most useless part of the community lives. There men do not know their next-door neighbors; there men do not want to know their next-door neighbors; there is no bond of sympathy; there is no bond of knowledge or common acquaintanceship.

I am not speaking of these things to impeach a class, for I know of no just way in which to impeach a class.

It is necessary that such portions of the community should be linked with the other portions; it is necessary that simple means should be found by which by an interchange of points of view we may get together, for the whole process of modern life, the whole process of modern politics, is a process by which we must exclude misunderstandings, exclude hostilities, exclude deadly rivalries, make men understand other men's interests, bring all men into common counsel, and so discover what is the common interest.

That is the problem of modern life which is so specialized that it is almost devitalized, so disconnected that the tides of life will not flow.

My interest in this movement, as it has been described to me, has been touched with enthusiasm because I see in it a channel for the restoration of the unity of communities.

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WORTH ANY EFFORT TO PROMOTE

Now if this thing does that, it is worth any effort to promote it. If it will do that, it is the means by which we shall create communities. And nothing else will produce liberty — you cannot have liberty where men do not want the same liberty, you cannot have it where they are not in sympathy with one another, you cannot have it where they do not understand one another, you cannot have it when they are not seeking common things by common means, you simply cannot have it; we must study the means by which these things are produced.

In the first place, don't you see that you produce communities by creating common feeling? I know that a great emphasis is put upon the mind, in our day, and as a university man I should perhaps not challenge the supremacy of the intellect, but I have never been convinced that mind was really monarch in our day, or in any day that I have yet read of, or, if it is monarch, it is one of the modern monarchs that rules and reigns but does not govern.

COMMON FEELING ESSENTIAL TO FREE GOVERNMENT

What really controls our action is feeling. We are governed by the passions and the most that we can manage by all our social and political endeavors is that the handsome passions shall be in the majority — the passion of sympathy, the passion of justice, the

passion of fair dealing, the passion of unselfishness, (if it may be elevated into a passion). If you can once see that a working majority is obtained for the handsome passions, for the feelings that draw us together, rather than for the feelings that separate us, then you have laid the foundation of a community and a free government and, therefore, if you can do nothing else in the community center than draw men together so that they will have common feeling, you will have set forward the cause of civilization and the cause of human freedom.

As a basis of the common feeling you must have a mutual comprehension. The fundamental truth in modern life, as I analyze it, is a profound ignorance. I am not one of those who challenge the promoters of special interests on the ground that they are malevolent, that they are bad men; I challenge their leadership on the ground that they are ignorant men, that when you have absorbed yourself in a particular business through half your life, you have no other point of view than the point of view of that business and that, therefore, you are disqualified by ignorance from giving counsel as to the common interests.

A witty English writer once said: "If you chain a man's head to a ledger and knock off something from his wages every time he stops adding up, you can't expect him to have enlightened views about the antipodes." Simply, if you immerse a man in a given undertaking, no matter how big that undertaking is, and keep him immersed for half a life time, you can't expect him to see any horizon, you can't expect him to see human life steadily or see it whole.

MEANS TO LIBERAL EDUCATION

I once made this statement that a university was intended to make young people just as unlike their fathers as possible. By which I do not mean anything disrespectful to their fathers, but merely this, by the time a man is old enough to have children in college, his point of view is apt to have become so specialized that they would better be taken away from him and put in a place where their views of life will be regeneralized and they will be disconnected from the family and connected with the world. That, I understand to be the function of education, of the liberal education.

Now a kind of liberal education must underlie every wholesome political and social process, the kind of liberal education which connects a man's feeling and his comprehension with the general run of mankind, which disconnects him from the special interests and marries his thought to the common interests of great communities and of great cities and of great states and of great nations,

and, if possible, with that brotherhood of man that transcends the boundaries of nations themselves.

Those are the horizons to my mind of this social center movement, that they are going to unite the feelings and clarify the comprehension of communities, of bodies of men who draw together in conference.

CONFERENCE ALWAYS MODIFIES AND IMPROVES THOUGHT

I would like to ask if this is not the experience of every person here who has ever acted in any conference of any kind. Did you ever go out of a conference with exactly the same view with which you went in? If you did, I am sorry for you, you must be thought-tight. For my part I can testify that I never carried a scheme into a conference without having it profoundly modified by the criticism of the other men in the conference and without recognizing when I came out that the product of the common council bestowed upon it was very much superior to any private thought that might have been used for its development. The processes of attrition, the contributions to consensus of minds, the compromises of thought create those general movements which are the streams of tendency and the streams of development.

WILL MAKE EASIER SOLUTION OF GREAT PROBLEMS

And so it seems to me that what is going to be produced by this movement, — not all at once, by slow and tedious stages, no doubt, but nevertheless very certainly in the end, — is in the first place a release of common forces now undiscovered, now somewhere banked up, and now somewhere unavailable, the removal of barriers to the common understanding, the opening of mind to mind, the clarification of the air and the release in that clarified air of forces that can live in it, and just so certainly as you release those forces you make easier the fundamental problem of modern society, which is the problem of accommodating the various interests in modern society to one another.

ADJUSTMENT NECESSARY TO LIBERTY

I used to teach my classes in the university that liberty was a matter of adjustment and I was accustomed to illustrate it in this way; when you have perfectly assembled the parts of a great steam engine, for example, then when it runs, you say that it runs free; that means that the adjustment is so perfect that the friction is

reduced to a minimum, doesn't it, and the minute you twist any part out of alignment, the minute you lose adjustment, then there is a buckling up and the whole thing is rigid and useless. Now to my mind, that is the image of human liberty; the individual is free in proportion to his perfect accommodation to the whole, or to put it the other way, in proportion to the perfect adjustment of the whole to his life and interests.

Take another illustration; you are sailing a boat, when do you say that she is running free, when you have thrown her up into the wind? No, not at all. Every stick and stitch in her shivers and you say she is in irons; nature has grasped her and says: "You cannot go that way;" but let her fall off, let the sheet fill and see her run like a bird skimming the waters. Why is she free? Because she has adjusted herself to the great force of nature that is brewed with the breath of the wind. She is free in proportion as she is adjusted, as she is obedient, and so men are free in society in proportion as their interests are accommodated to one another, and that is the problem of liberty.

ANALYSIS ACCOMPLISHED — NOW ASSEMBLED

Liberty as now expressed is unsatisfactory in this country and in other countries because there has not been a satisfactory adjustment and you cannot readjust the parts until you analyze them. Very well, we have analyzed them. Now this movement is intended to contribute to an effort to assemble them, bring them together, let them look one another in the face, let them reckon with one another and then they will coöperate and not before.

You cannot bring adjustment into play until you have got the consent of the parts to act together, and then when you have got the adjustment, when you have discovered and released those forces and they have accommodated themselves to each other, you have that control which is the sovereignty of the people.

There is no sovereignty of the people if the several sections of the people be at loggerheads with one another; sovereignty comes with coöperation, sovereignty comes with mutual protection, sovereignty comes with the quick pulses of sympathy, sovereignty comes by a common impulse.

You say and all men say that great political changes are impending in this country. Why do you say so? Because everywhere you go you find men expressing the same judgment, alive to the same circumstances, determined to solve the problems by acting together no matter what older bonds they may break, no matter what former prepossessions they may throw off, determined to get together and do the thing.

ENLIGHTENED CONTROL IN PLACE OF MANAGEMENT

And so you know that changes are impending because what was a body of scattered sentiment is now becoming a concentrated force, and so with sympathy and understanding comes control, for, in place of this control of enlightened and sovereign opinions, we have had in the field of politics as elsewhere, the reign of management, and management is compounded of these two things, secrecy plus concentration.

You cannot manage a nation, you cannot manage the people of a state, you cannot manage a great population, you can manage only some central force; what you do, therefore, if you want to manage in politics or anywhere else is to choose a great single force or single group of forces, and then find some man or men sagacious and secretive enough to manage the business without being discovered. And that has been done for a generation in the United States.

Now, the schoolhouse among other things is going to break that up. Is it not significant that this thing is being erected upon the foundation originally laid in America, where we saw from the first that the schoolhouse and the church were to be the pillars of the Republic? Is it not significant that as if by instinct we return to those sources of liberty undefiled which we find in the common meeting place, in the place owned by everybody, in the place where nobody can be excluded, in the place to which everybody comes as by right?

And so what we are doing is simply to open what was shut, to let the light come in upon places that were dark, to substitute for locked doors, open doors, for it does not make any difference how many or how few come in provided anybody who chooses may come in. So as soon as you have established that principle, you have openings, and these doors are open as if they were the flood gates of life.

FAITH IN PEOPLE JUSTIFIED

I do not wonder that men are exhibiting an increased confidence in the judgments of the people, because wherever you give the people a chance such as this movement has given them in the schoolhouse, they avail themselves of it. This is not a false people, this is not a people guided by blind impulses, this is a people who want to think, who want to think right, whose feelings are based upon justice, whose instincts are for fairness and for the light.

So what I see in this movement is a recovery of the constructive and creative genius of the American people, because the American

people as a people are so far different from others in being able to produce new things, to create new things out of old.

THIS MOVEMENT FUNDAMENTALLY AMERICAN

I have often thought that we overlook the fact that the real sources of strength in the community come from the bottom. Do you find society renewing itself from the top? Don't you find society renewing itself from the ranks of unknown men? Do you look to the leading families to go on leading you? Do you look to the ranks of the men already established in authority to contribute sons to lead the next generation? They may, sometimes they do, but you can't count on them; and what you are constantly depending on is the rise out of the ranks of unknown men, the discovery of men whom you had passed by, the sudden disclosure of capacity you had not dreamed of, the emergence of somebody from some place of which you had thought the least, of some man unanointed from on high, to do the thing that the generation calls for. Who would have looked to see Lincoln save a nation? Who that knew Lincoln when he was a lad and a youth and a young man — but all the while there was springing up in him as if he were connected with the very soil itself, the sap of a nation, the vision of a great people, a sympathy so ingrained and intimate with the common run of men that he was like the People impersonated, sublimated, touched with genius. And it is to such sources that we must always look.

No man can calculate the courses of genius, no man can foretell the leadership of nations. And so we must see to it that the bottom is left open, we must see to it that the soil of the common feeling of the common consciousness is always fertile and unclogged, for there can be no fruit unless the roots touch the rich sources of life.

And it seems to me that the schoolhouses dotted here, there, and everywhere, over the great expanse of this nation, will some day prove to be the roots of that great tree of liberty which shall spread for the sustenance and protection of all mankind.

II. Wisconsin Free Library Commission

[From the *Ninth Biennial Report of the Wisconsin Free Library Commission*, 1911–1912, pp. 3–6.]

It is a matter of some interest to the state that the Wisconsin Free Library Commission is under the state law engaged in a greater number of activities than any commission in the country. It is

the only commission which is the administrative body in control of a legislative reference department. It is also the only commission which conducts a library school. As the commission is now organized it is administered through four departments: one department engaged in establishing, organizing and maintaining public libraries, one conducting the traveling library work of the state, one an instructional department including the library school of the university which is still under the control of the commission, and the legislative reference department.

WHAT THE COMMISSION DOES

1. **It helps establish, organize, and maintain public libraries.** If a town is large enough to support a public library, the commission begins by furnishing a traveling library which costs the locality nothing. Then it sends speakers, puts articles in the paper, writes letters and does everything in its power to explain why a library will help the town and to line up the citizens behind a movement for a public library. It advises and counsels; it furnishes lists of books to be bought and tells how to buy them; it sends workers to help catalog the books and organize the library. When the town is ready for a new building, it makes suggestions as to plans, shows pictures of buildings elsewhere, meets with the library board and gives counsel and advice. If an application is to be made for a Carnegie gift, the details are often arranged by the commission. No matter how large or how old a library is, the commission keeps in touch with it, visits it periodically, sees that it is kept up to date, sends speakers to arouse interest, publishes lists of new books and material on new subjects, and assists in every way in making it an effective, aggressive, moral, social, educational, and utilitarian force in the community. During the biennial period the commission workers have made five hundred visits to libraries in the state, each visit extending from a few hours to several days.

2. **The library commission makes librarians.** Because there are not enough well trained librarians in the state of Wisconsin, the library commission six years ago established a library school to train librarians who might take charge of Wisconsin libraries. This school is now as big and, in its field, as good as any in the country. In its instruction it tends toward the practical rather than the theoretical. The instructors first show the students how to do things and then take them out to do these things in Wisconsin libraries, in Wisconsin towns, with Wisconsin people. So it occurs that while learning to work they do work for

Wisconsin libraries which it would cost the libraries of the state thousands of dollars to have done by others. The school has grown so that the legislature of 1909 suggested that the university ought to coöperate by appropriating funds to assist in running it. This the university now does, although the school is still under the control of the library commission.

The commission also conducts each year a summer session of six weeks. This session is primarily to help the librarians from the smaller Wisconsin towns whose salaries are not large enough to enable them to attend the full professional course.

This work is done by the instructional department of the library school.

3. **The library commission loans books where there are no public libraries.** During the last two years, the commission sent out 1,949 boxes of books to communities where without them there would be little or nothing to read. These traveling libraries are small collections of books which are sent in stout, hinged boxes by the state from one community to another. They circulate free of charge except the cost of transportation. The libraries are made up of the best popular books for adults and children, in fiction, history, travel, biography, science and literature. They are intended for farming communities and small villages not enjoying public library privileges. The traveling library should be kept in the most centrally located and most easily accessible place that can be found. The local postoffice is usually the best place, but it may be placed in the general store, or a private residence, and should if possible be accessible continuously or at frequent intervals. The commission sends magazines and papers to lumbering camps. Wherever there is a group of men or women or boys or girls who wish to study any subject, the commission supplies not only a box of books upon the subject but a study outline as well. The commission sends out books printed in German for the good old German citizen who is too old to learn to read English; it sends Bohemian books for the Bohemian, Norwegian books for the Norwegian, Swedish books for the Swede, Polish books for the Polock, and Yiddish books for the good citizen who can read no other language.

4. **The commission helps legislators legislate.** The legislative reference library is administered by the free library commission. In it you can find all that you can find collected anywhere on law making subjects and much that can not be found elsewhere. This department has helped the lawmakers of Wisconsin to understand and to frame such measures as the railroad commission law, the public utilities act, the workmen's com-

pensation law, the corrupt practice measures, and the industrial education law. The department, of course, puts into form not its own ideas but the ideas of the legislator. Back of each bill drafted is the written request of a member of the legislature, containing definite directions and duly signed. No draftsman is permitted to draw a bill without such a written request.

5. The library commission prepares and issues publications of value.

(1) *The Wisconsin library bulletin.* A bi-monthly periodical is issued by the commission as an economical way of communicating with the libraries and library officials of the state.

(2) *Book lists.* To inform librarians as to the material which should be placed in their libraries, the commission issues from time to time various carefully selected lists. Among those more recently issued are the following: (a) *Suggestive list of children's books.* A carefully compiled annotated list of about 500 titles, compiled by Helen T. Kennedy of the library school. (b) *Sociological material free or easily obtainable.* Two hundred and fifty-six titles of the best material upon sociological subjects constantly under discussion, such as conservation of natural resources, corrupt practice acts, etc. The American Library Association reissued this list for distribution outside of the state. (c) *Farm bulletins.* Lists of the best free bulletins on farm crops, the dairy herd, butter, cheese and milk, etc. (d) *Social or economic conditions, recent fiction depicting.* (e) *Civic advance and improvement.* A list of valuable material, much of which is obtainable without expense, issued because the city library as a municipal institution should assist the municipality in organized efforts for civic improvement. (f) *The monetary question.* A selected list relating to currency, banking, etc., with special reference to the Aldrich and other similar plans. (g) *Books popular with young people,* as indicated by voluntary vote. (h) *The use of the library in the schools.* (i) *Selected list on peace.* Compiled by the Wisconsin Library School, revised and approved by Lewis P. Lochner, of the staff of the World's Peace Foundation. (j) *Anthologies.* (k) *Home economics.* Free and inexpensive literature, prepared by Katherine Hahn, librarian of Stout Institute, Menomonie, Wisconsin. (l) *General references on income tax, and special references to the Wisconsin law.* (m) *Simple technical books.* The best and simplest books on various industries.

(3) *Legislative reference library bulletins.* In the past this department has issued for the use of the legislators 25 small pamphlet bulletins on legislative subjects, including bulletins on such subjects as: Accident insurance for workingmen; Blacklisting;

Boycotting; Certified public accountants; Corrupt practices at elections; Exemption of wages; Initiative and referendum; Juvenile courts; Lobbying; Mortgage taxation; Municipal electric lighting; Municipal gas lighting; Municipal home rule charters; Primary elections; Proportional representation; Railway co-employment; Recall; Taxation of trust companies; Telephones, interchange of service; Tenement house legislation; Trust company reserves; Tuberculosis.

III. Farmers' Institutes

[From Hamilton, John, in Farmers' Institute and Agricultural Extension Work in the United States. *Annual Report, Office of Experiment Station, U. S. Department of Agriculture,* 1912, pp. 333 ff.]

Reports of the farmers' institute work for the year ended June 30, 1912, were received from all the States excepting Virginia and the island of Porto Rico. Institute meetings were held in all of the States and Territories excepting Nevada, Alaska, and Porto Rico. Although no institutes were reported for Louisiana, meetings of institute character were conducted by the agricultural experiment station as a form of college extension.

INSTITUTES HELD

The total number of institutes held during the year was 7,598. These were made up of 5,328 one-day meetings; 2,015 two days, and 247 three or more days, an increase over the previous year of 1,380 one-day meetings and 288 two-day. There was an increase in the three or more day meetings of 33. The whole number of days of institutes held in 1912 was 10,191, an increase of 2,146 over the year 1911.

SESSIONS

The number of sessions was 19,430, or 2,689 more than were held in 1911. This large increase is the more significant since taken in connection with the average attendance per session it measures accurately the progress of the work. It shows an advance of more than 16 per cent over the sessions of the previous year.

ATTENDANCE

The attendance reported at the regular institutes was 2,549,199, with an average of 131 persons per session. This shows an increased

attendance over the previous year of 257,342. While under the system adopted by the American Association of Farmers' Institute Workers for computing attendance duplications occur, yet the totals serve for comparison with those of previous years. When, however, the total number reported in attendance is divided by the number of half-day and evening sessions held, error is eliminated and the progress of the work is accurately shown.

APPROPRIATIONS

The appropriations from all sources for institute support in 1912 amounted to $533,972.09, an increase of $101,278.62 over 1911. The appropriations by the State legislatures were $439,186.54, and from other sources $94,875.55. The amount expended in carrying on the work was $487,832.17, or an average of $25.10 per session of institute as against $25 in 1911. The amount appropriated for institute purposes for 1913 by 35 States reporting is $409,525.

AGRICULTURAL COLLEGE AND EXPERIMENT STATION AID

Thirty-eight of the agricultural colleges and experiment stations furnished from their faculties and staffs 474 lecturers, who contributed 6,018 days of time to institute instructions. This is an increase of 129 lecturers and 1,759 days of service over the previous year. The figures show that the colleges and stations are alive to the importance of this work, and notwithstanding the large increase of resident students in their institutions are sending out more men into the institute field and are giving more time to this form of instruction each year. The average time given to institute work by each college or experiment-station lecturer in 1912 was 12.7 days; in 1911 it was 12 days.

SPECIAL INSTITUTES

Movable schools of agriculture and home economies were held in 14 States. The total number of these schools was 164, occupying 829 days of time, with a registered attendance of 137,669, an increase in attendance over the previous year of 89,234.

Fifty-four educational trains were run in 24 States. Twenty of these States reported 310 lecturers accompanying these trains, and a total attendance in 23 States of 1,033,735. Two thousand one hundred and six stops were made at which meetings were held and 41,991 miles of road were covered.

Independent institutes were held in 17 States to the number of 609. There were 971 sessions, with an attendance of 138,598. Seventeen round-up institutes embracing 166 sessions were held in 17 States, with an attendance of 46,464.

Four hundred and fifty-nine fairs, picnics, and conventions were visited, and addressed by institute lecturers, with a total attendance of 123,881. Fifty field demonstrations were given by seven expert demonstrators, the attendance not reported.

The aggregate attendance at all of the special institutes reported was 1,480,347, making the entire attendance at institutes of all kinds for the year 4,029,546.

FARMERS' INSTITUTES FOR YOUNG PEOPLE

One hundred institutes for young people were held in 5 States extending over 107 days and consisting of 163 sessions. The attendance is reported at 14,245. Two States conducted 28 movable schools for young people. The schools covered 121 days, and had a total attendance of 6,054.

Many institute directors do not yet seem to appreciate the importance of institutes specially adapted to young people of the ages of 14 to 18. It must be perfectly clear, however, to everyone who has observed the interest taken by boys in their corn-club work and in the boy scout movement, as well as by girls in their home economics and art association work, that young people in the country are ready now to join the movement for increasing their knowledge of agriculture and home economics if institutes adapted to their ages and attainments were organized and judiciously conducted.

WOMEN'S INSTITUTES

Separate institutes for women were held in 8 States to the number of 720. The States were Michigan, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, and Wisconsin. The institutes embraced a period of 916 days, and occupied 1,375 sessions. The total attendance is given at 78,776. This is an advance over the previous year of 418 institutes, 542 days, 798 sessions, and 30,814 in attendance.

The great progress made during the year strikingly appears if the 8 States reporting work of this character for both the years of 1911 and 1912 are compared. The comparison shows that there has been an increase of 870 sessions, and of 43,767 in attendance in 1912 over 1911. If the 40 other States had organized institutes separately for women there is every reason to believe

that equal gains would have occurred in them all, and that many thousands of women now deprived of the privilege and advantage of such meetings would have been greatly aided in their social life as well as in their home economics work. Here, too, there is need for general awakening to the opportunity for service that the organizing of institutes for women affords to the directors in the several States.

MOVABLE AND CORRESPONDENCE SCHOOLS

One hundred and sixty-four movable schools of agriculture were held in 14 States. The instruction continued through 829 days, with an attendance of 137,669. Ninety-one of these schools were for men and continued over 490 days, with an attendance of 68,511. Forty-five were for women, continued over 218 days, with an attendance of 11,059. Twenty-eight were schools for young people, continued over 121 days and attended by 6,054. Last year 168 schools of this character were held, covering 659 days, with an attendance of 48,465, showing a considerable increase both in days devoted to this work and also in the number in attendance.

These figures do not show the entire amount of movable school work done during the year. In a number of the States this work has been detached from the farmers' institute and transferred to the extension department of the agricultural colleges, and therefore does not appear in the institute report. The statements made show, however, that the work is growing rapidly and is supplementing the old form of institute by devoting longer periods to instruction in the localities where the meetings are held. It must be confessed, however, that in but few instances have they met the standard for movable school work set by the Office of Experiment Stations. Much of the instruction is still fragmentary and somewhat superficial. It would be greatly to the advantage of the movable school enterprise if demonstrations by experts could be had to show precisely how the system proposed can be most efficiently operated.

Similar demonstrations showing the practicability of conveying information by means of the method of correspondence outlined in last year's report of the institute specialist are likewise needed. A few demonstrations carefully conducted along the lines there proposed showing how agricultural instruction of high grade can be given to men and women of average intelligence, but having experience in the practical operations of farm and home economics, would be of great service in convincing the State institute directors and extension workers of the practicability and value of the method.

ITINERANT WORK IN TEACHERS' INSTITUTES AND RURAL SCHOOLS

The farmers' institutes in a number of States have been detailing lecturers to address school teachers at their country institutes and conventions. Also to visit the normal schools, high schools, and common schools to speak to the students on subjects related to agriculture and rural life.

During the past year 12 State directors reported that 55 of their instructors had given 371 days of time to teachers' institutes and that they had met in these institutes a total of 32,642 persons. Four hundred and five men gave 612 days to high-school instruction, meeting 91,705 persons; 9 men gave 21 days to instruction in the normal schools, meeting 2,050 persons; 42 men devoted an aggregate of 2,953 days to lecturing in the rural public schools, meeting 72,379 children; 74 men gave 3,796 days to itinerant work among farmers, giving advice and conducting demonstrations; and 18 men gave 2,350 days to other forms of extension work.

The effect of efforts in these several directions cannot be definitely known, but that they are productive of great good in stimulating interest among rural people in advanced agriculture and in the betterment of rural conditions is unquestioned.

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IV. University Extension

[From Van Hise, Charles R., President's Report. *Biennial Report of the Regents of the University of Wisconsin*, 1906–1908, pp. 18–21.]

University Extension Reorganized. No step in the progress of the university during the biennial period has been more important than that of the reorganization of the extension division. For many years university extension has been announced in the catalogues. However, aside from agricultural extension, the work consisted mainly in sporadic lectures or groups of lectures in various parts of the state as called for by the citizens. While some correspondence work was undertaken some years ago, until the reorganization of the division it had practically ceased to exist as a real activity of the university. This situation was an extremely undesirable one, and therefore the question arose as to whether the extension work, other than agricultural, in the university should be vivified or killed. Certainly, it could not be allowed to continue in a moribund condition.

The enormous success of the commercial correspondence school suggested that here was an educational opportunity which had been neglected by the universities. At my request, Dr. Charles McCarthy investigated the work of the commercial schools with reference to the people of Wisconsin. He found that these schools, while having certain defects, are undoubtedly performing a great educational work, and moreover the astonishing fact was disclosed that many thousands of persons in the state of Wisconsin were taking correspondence work for which they were paying out hundreds of thousands of dollars per annum.

The situation was placed before the regents at the meeting in June, 1906, and as a result of this a small appropriation was granted to begin the reorganization of the extension work. The fund was not sufficient to secure a permanent director of extension. Mr. H. E. Legler, of the free library commission, was so deeply interested in the movement that he consented to act temporarily as secretary without compensation. The response of the state to the offer of the university to do effective extension work was immediate.

The general interest shown in extension was so great before the end of the first year that the legislature of 1907 appropriated $20,000 a year to support university extension. With this fund available the time had come for the appointment of a director. . . . Already the university extension division is so strongly organized within the university and is held in such esteem among the people of the state that this division is recognized as of great importance among the branches of the university.

The report of Director Reber shows that the extension work is organized in four departments, (1) correspondence study, (2) instruction by lectures, (3) debating and public discussion, and (4) general information and welfare. In his report he gives fully the scope of the work of each of these departments, and this report I shall not summarize.

Correspondence Instruction. It is, however, worthy of note that at the end of the first year of the appropriation for extension more than one thousand students are doing regular correspondence work. The weaknesses of correspondence instruction in the past have been (1) that it does not bring together the student and instructor, and (2) that the student works alone. Because of these facts, an unnatural amount of stamina is required of the student, in order that he shall persist in his work. It has been the experience of the commercial correspondence schools that only a small fraction of the students beginning a course continue to the end.

Director Reber has devised a plan which removes these defects. This is the institution of the traveling professor, several of whom

are now members of our staff. Once fortnightly, and we hope in the future it may be once a week, the professor meets a group of students in the same subject and thus gives the lively interest which comes from contact with the instructor. At the same time the second defect is overcome. The students, while not necessarily working at the same rate, meet one another in the class room and have the stimulus which comes from a group working upon the same subject.

Cooperation of Manufacturers. To put this plan into operation required the cooperation of the manufacturers. The professor could conveniently meet the students only at the manufacturing establishments where they are at work. It is most fortunate that in this state the manufacturers have shown an enlightened spirit in this matter. Already a considerable number of the manufacturers in Milwaukee have furnished class rooms for the traveling professors, and have given every encouragement to the men who take work in the extension division even to the extent of paying the men when attending the classes. There can be no doubt that the action of the manufacturers of Milwaukee is practical wisdom; for the men taking extension courses will be improved in their efficiency and earning power both for the manufacturers and for themselves. Of equal, or greater, importance will be the increased good will between the employer and employee because of the interest of the former in the latter.

Debating and Public Discussion. There are various other lines of extension work which have been markedly successful the first year. One of these is the department of debating and public discussion. There is a strong desire for active intellectual life in the village and rural communities. Accurate knowledge is desired upon public questions. There has been in the past no way in which this desire could be efficiently met. To illustrate, the debating societies, many of which have existed for a long time, frequently discussed general questions which really led nowhere. This opportunity for educational work has been seized by the extension division. Live political and social questions have been furnished to the debating societies, with syllabi of the sound arguments upon each side, and references to the authorities. By cooperation of the extension division with the free library commission, or by the extension division directly, the necessary material has been sent to the communities. Not only have existing debating societies been thus assisted, but many new literary and debating societies have been formed.

Fundamental Idea Underlying Extension. The above but illustrates the fundamental idea of the extension division. It is

not enough for knowledge to exist in books to be obtained by men under favored circumstances; the knowledge must be carried out to the people. This, of course, is done through the regular school channels in a very large way. But because of unfavorable circumstances there are immense numbers of boys and girls who are obliged to begin a vocation before their education has even passed through the elementary school. It is necessary to supplement the education of the schools by the further education which may be availed of by the adult as well as the child. The university extension division does not compete with the schools or other existing educational institutions. It supplements them all.

The aggressive business man does not wait for the consumer to go to the wholesale establishment to purchase his articles. He gets his products out to the retail stores by advertisement, by traveling agents, and in other ways. Also, more and more, the manufacturer is beginning to establish retail stores in various parts of the country to sell his goods. Are we to be less aggressive in education than we are in business? It seems to me that the proper answer is clear. If the nation is to solve the various great questions which are before it, if the people are to succeed in obtaining a favorable material environment, if they are to gain a reasonable intellectual and spiritual life, it must be by carrying to the masses the knowledge which the scholars and investigators of the world have obtained, and such is the purpose of the extension division of the university.

V. The State Board of Health

[From *Health and Hygiene — What the State Board of Idaho Does, Weekly Press Bulletin,* State Board of Health, April 19, 1914.]

It furnishes literature about the cause and prevention of preventable diseases, written in plain language so that any one can understand it.

It furnishes antityphoid vaccine to the public in so far as its resources will permit.

If an epidemic occurs in any community, it sends an expert to investigate the cause and recommend means for prevention. If the local authorities are unable to control the situation, it takes charge of the situation until the epidemic is controlled.

It furnishes to town and county boards of health advice and assistance at any time without cost.

Its laboratory examines specimens for consumption, typhoid fever, diphtheria, malaria and gonorrhoea, free of cost, upon request of any physician. Examinations for syphilis are made at cost.

It sends mailing cases without charge, in which to send in specimens for examination.

If a town, institution or individual is contemplating the installation of a water or sewer system it furnishes free advice as to the best methods, and passes on any proposed plans.

It examines public water supplies, making an inspection when necessary, in addition to the chemical and bacteriological examinations. It examines private water supplies upon request.

It inspects, through the Pure Food and Sanitary Department, upon request, any public or private institution, or any city, town or village, and recommends the things necessary for sanitary improvement.

It sends lecturers to public meetings, whenever possible, to speak on any health question, without charge.

It keeps an accurate, legal record of the two most important events in the life of every citizen — his birth and his death, so that to-day, or a hundred years from to-day, that legal record will be available for any of the many purposes for which it will be needed.

It inspects, through the Sanitary Inspection Department, every hotel in the state at least once each year, and sees that the sanitary requirements of the law are complied with.

It inspects regularly the sources of water furnished by railroads to their passengers for drinking to see that they are of the proper purity.

It inspects the schools of the state, through the County Health Officers and corrects unsanitary conditions.

The experts employed by the board are constantly seeking to find out new truths regarding the prevention of disease, which may be of value to the health of the people of Idaho.

It collects reports of all contagious and infectious diseases and stands at all times on guard against epidemic or pestilence.

It seeks by every means to guard the people of the state against disease and to increase through better health the happiness and prosperity of the citizens.

Any of the above services are furnished upon application to . . . . . ., Secretary, at Boise.

CHAPTER XVI

HIGHER AND PROFESSIONAL EDUCATION

State Control and Regulation. — The different American states have made different provisions for higher education, the state university being the common type in the south and west, and dependence upon private endowments being the common plan in the North Atlantic states.

The articles which follow describe the different plans in use, point out the desirability of state control where state aid is granted, and the need of some form of state educational scrutiny of the work of higher and professional schools, both public and private.

I. Types of State Systems of Higher Education

[Pritchett, Henry S., in the *6th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1911, pp. 49–53.]

The great variety of ways in which the different states meet their educational problems may be indicated briefly:

In New England the state systems of education, except in Maine, consist of well-developed elementary and secondary schools, under the control partly of local and partly of state authorities, culminating in universities, colleges, and technical schools independent of state control. In each one of these five New England states there is an institution that was founded on the proceeds of the so-called Morrill grant from the federal government, and that now receives appropriations from the state; but no one of these approximates the position of a western state university. In Vermont the institution receiving this grant is a part of one of the older endowed colleges; in Massachusetts a part of the annual grant from the federal government is given to the similarly endowed Massachusetts Institute of Technology, which has also been assisted by the state legislature. Maine alone has ceased to conform to the

practice of the other New England states, and, within the last decade, has developed her agricultural and mechanical college into a state university at the head of the state system of education, after the manner of the western states.

New York possesses an education system that is unique among the states. There is no state university, although Cornell, founded by Ezra Cornell with the assistance of the federal grants, appears to be approaching some such status. All higher education, however, is under state supervision to a degree elsewhere unknown, through a department of the state government entitled the University of the State of New York, the board of regents of which is elected by the legislature. This institution is not a teaching body, but is intrusted with important powers over all institutions of higher education whose charters do not antedate its creation. No corporation may call itself a college or university, or confer degrees in academic or professional subjects, without the permission of the regents. This permission is given only after an investigation of the curricula of the institution, its financial condition, and its equipment. While their demands, particularly as respects finances and equipment, are not rigorous, the regents have not only prevented paper colleges and universities from establishing their home in New York, but have kept the words " college " and " university " approximately close to their proper meaning. The definition of a college upon which the regents proceed in granting charters to educational institutions is the definition adopted by the Foundation.

New Jersey has no state university, and has adopted the practice of Vermont in handing over the federal grants to one of its older endowed colleges. The last legislature revised the school administration extensively, and placed at its head a superintendent of education with comprehensive powers, without, however, any jurisdiction over higher education.

Pennsylvania, as well as New York, has a unique method of dealing with higher education. Pennsylvania has created no state institutions, but has assisted institutions under private control with grants from the public treasury. The University of Pennsylvania has received assistance from the state from time to time, but the only administrative connection with the state is that the governor of Pennsylvania is the president of the board of trustees of the university. The University of Pittsburgh has of late received large grants by act of the legislature, without having any administrative connection with the state. The federal grants, supplemented by large state aid, go to the Pennsylvania State College, an institution which, although inconveniently located, is

rapidly developing into university proportions, but which is only in part under the control of the state. The legislature of 1911 made provision by which in course of time the thirteen so-called state normal schools may be purchased by the public authorities and become state institutions in reality. Hitherto these normal schools have been private corporations enjoying large annual grants from the state, the control of the state being limited to a right to select a certain proportion of trustees upon the nomination of the holders of stock. The control of this stock has in general become highly centralized, and has often been exercised commercially rather than educationally.

Delaware had no college in actual existence at the time of the Morrill grant, but Newark College, which had closed its doors some years before, was granted the federal appropriations, upon condition that the state should appoint one-half of the board of trustees. This institution, now known as Delaware College, forms the head of the state system of education. Delaware has no state normal school; the state aids its prospective teachers to study in the normal schools of Pennsylvania.

In Maryland, also, the federal grants were given to a private corporation, the Maryland Agricultural College, one of the oldest institutions of the kind in the Union, upon the state being given the privilege of naming one-half of the trustees. The Johns Hopkins University has received occasional small grants of state funds. There is also an institution entitled the University of Maryland, but it is in no sense a state university such as is met with elsewhere; one old endowed college, St. John's at Annapolis, and various more recent professional schools governed each by its own trustees are merely grouped together under this nominal title.

The District of Columbia has no institution of higher education either under any measure of governmental administration or connected organically with the high school or public school system of Washington. Congress, moreover, occupied with its larger duties, has so neglected, as the local legislature for the district, to throw safeguards around the establishment of institutions that, under the general laws of the district, any three citizens, no matter how meagre their qualifications, may incorporate themselves as a university and confer any degree, except in medicine. It is not necessary for them to procure any endowment, to own any equipment, or even to have any habitat beyond a post-office address. The curriculum is entirely within their control, and they might legally confer bachelor's, master's, and doctor's degrees upon every person in the United States, or in the universe, upon the sole condition of the willingness of the recipient. The only condition that is

generally enforced is a financial one. Washington has therefore become logically the home of a large number of institutions whose dishonest practices are immensely aided by the apparent prestige of a location at the federal capital, and by the astounding privilege which enables these enterprises to say truly, that they are "incorporated under the provisions of an Act of Congress." It is impossible to believe that the many educated men in both houses of Congress will not gladly terminate this abuse, whenever the college authorities that are among their constituents shall generally request it.

The Atlantic states, south of Washington, and the South Central states classify themselves in two groups according to their attitude toward the public administration of higher education. West Virginia, Georgia, Florida, Kentucky, Tennessee, Louisiana, and Arkansas have concentrated all of the state institutions of higher education into a single state university. In all of these states except Georgia and Tennessee, this state university represents a development of the state agricultural and mechanical college which was originally endowed by the federal grants. In Kentucky the state agricultural college has recently become the state university. In Florida the state university is subject both to a board of trustees and to the visitorial jurisdiction of the state board of education, which consists of the governor and certain elective officials who are popularly styled his cabinet. In West Virginia there is a state board of control in addition to the regents of the state university. Oklahoma has a similar state board, with even more extensive powers. Virginia, North Carolina, South Carolina, Mississippi, Alabama, Texas, and Oklahoma have each several, sometimes competing, state institutions of higher education. In Virginia a commission has been endeavoring to reduce all such actual and possible conflicts into one comprehensive and harmonious educational program. Mississippi has attempted to solve this problem by constituting a "Board of Trustees of the Higher Educational Institutions of the State of Mississippi."

The states of the North Central and Western divisions fall into several typical groups. Illinois, Wisconsin, Minnesota, Missouri, Nebraska, Wyoming, Arizona, Nevada, Idaho, and California have centered all of the state's functions with regard to higher education under one administrative control in a single state university. Indiana has two state institutions of higher education under separate control, but the work of each so complements that of the other that together the two form practically one state university. Indiana University is unique among state universities in intrusting the election of all of its trustees to the State Board of

Education and to the alumni of the institution. Montana, South Dakota, and Iowa have not given their state universities the complete control of the higher education of the state, but in these states all state institutions of higher education are under the control of a single board.

North Dakota, Kansas, Colorado, New Mexico, Utah, Washington, and Oregon have each two or three separate state institutions of higher education, each under separate government. While these several institutions in a single state often compete, they do not all pretend to be state universities. A state university is admitted, at least formally, to be the head of the educational system, while the other institutions, chiefly agricultural and mechanical colleges and schools of technology, however their work may overlap that of the university, merely claim to perform certain of the functions of a state university. Oregon has a " Board of Higher Curricula " to prevent such duplication. In Ohio, on the other hand, there are, at least in theory, three state universities. The Ohio State University at the capital, evolved from the state agricultural and mechanical college, and having received large appropriations during the last decade, is rapidly attaining a position of prominence among state universities. But Ohio also recognizes Ohio University at Athens, and Miami University at Oxford, as state universities, and gives them a measure of state aid. These universities, to the measure of their financial ability, endeavor to compete with the university at Columbus, and the confusion so produced is perhaps the chief reason that the educational system of Ohio is less efficient than that of some of the neighboring commonwealths.

In Michigan, where the idea of a state university first attained large development and influence, there are, apart from the normal schools, three state institutions of higher education with some degree of competition between them. The powers of the regents of the University of Michigan exceed those in other states. The grants originally made to the university by the federal government, and the incomes from these grants, are under the immediate control of the regents. The legislature has no power over them, although it can give or withhold appropriations from the state treasury.

In general, then, in most of the Atlantic states the state support of higher education is confined to the general support of schools of technology and to state grants to privately endowed academic and technical institutions. Half of the other states in the Union have state universities that include technical education. The other half have both state universities and state technical schools.

The attitude of the several groups of states toward the public support of higher education is indicated by the following fractions representing the proportion of students in tax-supported as compared with privately supported or endowed universities, colleges, and schools of technology:

$\frac{3}{4}$ of the North Atlantic states have	$\frac{3}{4}$	of their students in endowed institutions
$\frac{3}{4}$ of the South Atlantic States have	$\frac{2}{3}$	of their students in endowed institutions
$\frac{2}{3}$ of the South Central states have	$\frac{2}{3}$	of their students in endowed institutions
$\frac{2}{3}$ of the North Central states have	$\frac{2}{3}$	of their students in tax-supported institutions
$\frac{3}{4}$ of the Western division have	$\frac{3}{4}$	of their students in tax-supported institutions

In six of the Western states practically no higher education is provided except by tax-supported institutions. This is true nowhere else except in Delaware, while its neighbor, New Jersey, is the only state that has no primarily tax-supported institution of higher education.

The attitude of the several groups of states to the public support of education in general may be judged from the following percentages representing the proportion of students of various grades in tax-supported as compared with privately supported or endowed institutions. These proportions of students in tax-supported institutions are:

North Atlantic states,	15% college,	96% normal school,	80% high school students
South Atlantic states,	43% college,	78% normal school,	71% high school students
South Central states,	41% college,	63% normal school,	72% high school students
North Central states,	56% college,	86% normal school,	80% high school students
Western states,	87% college,	92% normal school,	84% high school students

The North Central and the Western states thus appear at least one-third more interested in publicly supported education than the South Atlantic and the South Central states; the North Atlantic states occupy a middle position among the five divisions. The same relation is preserved when the percentage of children enrolled in the public schools is also considered. The position of the North

Atlantic states is especially interesting by reason of the strength and prestige of the long established, privately endowed institutions of higher education, and the fact that their independence has allowed an unusual development of publicly supported normal schools and public schools generally, until both of these are more largely attended in this than in any other section of the country.

II. New York Scholarship Law

[Chapter 292, *Laws*, 1913.]

Section 70. **State Scholarships Established.** 1. State scholarships are hereby established in the several counties of the State, to be maintained by the State and awarded as provided by this act.

2. Five such scholarships shall be awarded each county annually for each assembly district therein.

3. Each such scholarship shall entitle the holder thereof to the sum of one hundred dollars for each year which he is in attendance upon an approved college in this State during a period of four years, to be paid to or for the benefit of such holder as hereinafter provided, and out of a fund which is hereinafter created.

Section 71. **Scholarship Fund of the University of the State of New York.** 1. The scholarship fund of the University of the State of New York is hereby created. Such fund shall consist:

a. Of all money appropriated therefor by the legislature;

b. Of all money and property hereafter received by the State, the Regents of the University or the Commissioner of Education by gift, grant, devise or bequest for the purpose of providing funds for the payment of such scholarships and of all income or revenue derived from any trust created for such purpose.

2. Such fund shall be kept separate and distinct from the other State funds by the State Treasurer, and payment shall be made therefrom to the persons entitled thereto in the same manner as from other State funds, except as otherwise provided by this act.

3. Whenever any such gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing funds for such scholarships, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the State Legislature, as provided herein, and no part of such income or revenue shall be applied for the maintenance of State scholarships hereinbefore established for each county. Such additional scholarships shall be equitably apportioned by the Commissioner of Edu-

cation among the several counties, unless it be provided in the will, deed or other instrument making such gift, grant, devise or bequest, or creating such trust, that the incomes or revenues derived therefrom be applied to the establishment and maintenance of additional scholarships in a specified county.

SECTION 72. **Regents to make Rules.** The Regents shall make rules governing the award of such scholarships, the issuance and cancelation of certificates entitling persons to the benefits thereof, the use of such scholarships by the persons entitled thereto, and the rights and duties of such State scholars, and the colleges which they attend, in respect to such scholarships, and providing generally for carrying into effect the provisions of this act. Such rules shall be in conformity with this act and shall have the force and effect of a statute.

SECTION 73. **List of Candidates, Award of Scholarships.** 1. The Commissioner of Education shall cause to be prepared for each county of the State, annually, during the month of August, from the records of the Education Department, a list of the names of all pupils residing therein who became entitled to college entrance diplomas under Regents rules, during the preceding school year. Such list shall also show the average standing of the pupils in the several subjects on which each of such diplomas was issued.

2. The Commissioner of Education shall also cause the names of all pupils on the foregoing lists of the several counties, who are not appointed to scholarships in the county of their residence, to be arranged upon a State list in the order of their merit, as, shown by their average standings on the several county lists, from which unclaimed vacant scholarships shall be filled as hereinafter provided.

3. The scholarships to which each county is entitled shall be awarded by the Commissioner of Education annually in the month of August to those pupils residing therein who became entitled to college entrance diplomas, under Regents rules, during the preceding school year and in the order of their merit as shown by the list prepared as provided in subdivision 1 of this section.

4. In case a pupil who is entitled to a scholarship shall fail to apply for such scholarship within thirty days after being notified that he is entitled thereto or shall fail to comply with the rules of the Regents as to such scholarships and the same shall have been revoked or canceled on account thereof, or, if for any other reason such scholarship shall become vacant, then the pupil standing highest to those pupils on such list for such county who have

received scholarships, shall be entitled to receive appointment to such vacant scholarship.

5. In case a scholarship belonging to a county shall not be claimed by a resident of such county or if there be no resident of the county entitled to appointment to the vacant scholarship in such county, the Commissioner of Education shall fill such vacancy by appointing from the State list the person entitled to such vacancy as provided in subdivision 2 of this section.

6. The Commissioner of Education shall cause such person entitled to receive appointment to a scholarship to be notified of his rights thereto and of his forfeiture of such rights by failure to make the application for such scholarship required under section 74 of this act.

SECTION 74. **Issuance of Scholarship Certificate.** Upon the application of a pupil duly notified of his right to a scholarship, the Commissioner of Education shall issue to such pupil a scholarship certificate. Such application and such certificate shall be in the form prescribed by the Commissioner of Education and such certificate shall specify the college for which it is valid. Said commissioner may also require such additional statements and information to accompany such application as he may deem necessary.

SECTION 75. **Effect of Certificate; Payments Thereon.** The certificate issued as provided in the preceding section shall entitle the person named therein to receive the sum of one hundred dollars each year for a period of four years to aid such person in the completion of a college education. Such sum shall be paid by the State Treasurer in two equal payments, one on October first and the other on March first out of the scholarship fund of the University of the State of New York, upon the warrant of the comptroller issued with the approval of the Commissioner of Education. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his or her benefit. The rules of the Regents may prescribe conditions under which payments may be made direct to the college attended by the person named in such certificate, in behalf and for the benefit of such person. (Thus amended by L. 1913, ch. 437.)

SECTION 76. **Revocation of Scholarships.** If a person holding a State scholarship shall fail to comply with the rules of the Regents in respect to the use of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by such

college on students therein, or shall for any reason be expelled or suspended from such college, or shall absent himself therefrom without leave, the Commissioner of Education may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the Education Department revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under the provisions of this act and the vacancy caused thereby shall be filled as provided in section 73 of this act.

Section 77. **Limitations as to the Number of Scholarships; Courses of Study.** At no time shall there be more than twenty scholarships established and maintained for each assembly district and at no time shall there be more than three thousand such scholarships so established and maintained for the entire State not including scholarships maintained from the revenues or income of trust funds, or gifts, devises or bequests created or made as provided in this act for the maintenance of such scholarships. A person entitled to such scholarship shall not be restricted as to the choice of the college which he desires to attend, or the course of study which he proposes to pursue; provided that no such scholarship shall include professional instruction in law, medicine, dentistry, veterinary medicine or theology, except so far as such instruction is within a regularly prescribed course of study leading to a degree other than in the above named professions; and provided further, that the college selected by the person entitled to such scholarship is situated within the State of New York, and is incorporated as a college and authorized under the laws of this State and the rules of the Regents of the University to confer degrees.

III. State Aid without State Control

[Pritchett, Henry S., in the *7th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1912, pp. 152–153.]

The participation of endowed institutions in state aid has so greatly increased in recent years as to form a distinct question of public policy, and one which has hitherto received scant attention.

We have proceeded in the various American commonwealths upon the theory that there were two methods of conducting higher education; one the method of government support and control, the other the method of private endowment and control. Each of these plans is clear-cut and is politically consistent. There has,

however, grown up in the last ten or fifteen years a movement which contemplates a mingling of these two plans, — an institution drawing large appropriations from the state, but over which the state exercises no authority. This movement has obtained headway mainly in the New England and Atlantic states, and particularly in those states where there is no tax-supported university. Indeed, one of the arguments which has been most commonly used in the appeal to legislatures for such appropriations has been the plea that it was necessary for privately endowed institutions to meet what is called the "educational competition" of the great tax-supported universities, and that the states where no state university had been founded should therefore assist the privately endowed institutions. In this situation again the question of college competition has been made to play a large rôle.

In the New England states New Hampshire makes a grant to Dartmouth College nearly twice as large as the grant to its state college of agriculture and mechanic arts. Vermont gives subsidies to all three of the privately endowed institutions of higher education in the state, the University of Vermont (which is not a state university), Middlebury College, and Norwich University.

In Massachusetts the legislature a few years ago made large continuing grants to the Massachusetts Institute of Technology and a year later similar, but smaller grants to the Worcester Polytechnic Institute. In the State of New York public funds are granted, under somewhat more carefully framed conditions, to Cornell University, Alfred University, St. Lawrence University, and Syracuse University. In Pennsylvania state aid to privately controlled educational and philanthropic institutions — universities, schools, hospitals, etc. — has been developed to an extent unequaled elsewhere. Among the institutions which now participate extensively in state aid are the University of Pennsylvania in the eastern part of the state and the University of Pittsburgh in the western. All Pennsylvania legislation is arranged so as to be reciprocal in the geographic sense.

The state of Maryland has long paid subsidies to privately endowed colleges. The charter of St. John's College at Annapolis, granted in 1784, pledges the state forever to some support of the college. A few years ago Johns Hopkins University became, by legislative action, one of the recipients of state aid, and this has recently been largely increased in order to provide for a school of applied science. The institutions now sharing in this bounty draw from the state treasury an annual appropriation of over $300,000 and include Johns Hopkins University, St. John's College, St. Mary's Seminary, McDonough Institute, Charlotte Hall Academy,

F. Knapp's English and German Institute, Universal Progressive School, St. Francis Xavier school, National Junior Republic, Washington College, and a number of others. The state of Virginia, in addition to the support of its state university, also subsidizes with smaller sums institutions under independent control.

This brief statement is not intended to give any complete list of the educational institutions under private control which now participate in state funds, nor is this matter mentioned now with the purpose of criticizing any of these institutions. Certainly, institutions like the Johns Hopkins University, the Massachusetts Institute of Technology, and the University of Pennsylvania are among the most deserving institutions of their states. It is, however, important that the political significance of this movement, which has already gained such headway, should be clearly understood. The appropriation by the state for the support of educational and philanthropic institutions over which it has no control is a questionable public policy. It does not alter the matter that many of these institutions are most useful and valuable agencies in their states, altho it can readily be shown that the obtaining of state aid by such institutions has already paved the way for state aid to less worthy agencies. The real question to be faced is this: such legislation forms an opening wedge for paternalistic and socialistic measures, whose end no man can foresee. If these institutions, whose friends are now in power, can get appropriations, a little later other institutions of assumed philanthropic character, controlled by this or that body, will have an equal claim to support. There is only one safe line that can be drawn consistently with our political traditions and experience, and that is that state aid shall go only with state control. When a commonwealth initiates the policy of state aid without state control, it embarks upon a legislative process which may ultimately put the power of the state at the disposal of any enterprise which claims to be philanthropic or educational, no matter by what sect, by what party, or by what political theorists it may be controlled. Such legislation is full of dangers, and in states like Massachusetts it requires no prophet's vision to perceive them.

IV. An Adequate State System of Educational Scrutiny and Administration

[Pritchett, Henry S., in the *5th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1910, pp. 77–80.]

These considerations bring up at once a topic often discussed in recent years, namely, the need in each state in the Union of an adequate system of educational administration and supervision. It is clear from our experience of the last twenty-five years, as well as from that of other nations, that somewhere in each commonwealth there should be an educational agency dealing with the higher institutions of learning and with the secondary and elementary institutions as well, for these schools are not unrelated enterprises, but are all parts of one thing. Such places should seek out the ablest men.

The most serious effort which has been made in this direction is in the State of New York, where the University of the State of New York has had supervision over elementary, secondary, and technical education; and its work has resulted in far greater uniformity and efficiency in the schools of New York than is to be found in most of the other states. The University of the State of New York, practically the State Department of Education, has had, however, no authority over higher institutions of learning, or at least, it has never exercised such authority. For this reason, therefore, it has been able to do only a limited work in the correlation of higher and secondary education. Recent efforts to deal with the institutions of education in Iowa and in Massachusetts were described in my last annual report. The creation of such commissions undoubtedly marks a step in the direction of an expert supervision of education in the interest of unity, economy, and efficiency, but as tried in both these states the commissions have certain weaknesses which make the ultimate outcome more or less doubtful. In neither Iowa nor Massachusetts has this body the supervision of the whole educational system. Again, even when composed of able and intelligent men, such commissions must in the end depend on expert advice; the members, being busy men, will find it difficult to give to the important questions before them the requisite time and study. It will not usually be found easy to bring busy men together for long deliberations.

In many of the western states, where public education has from the beginning been a matter of state pride, a superintendent of education has existed, with a very inadequate administrative force,

however, at his command. The positions have been in the main political, and generally have lacked the power, responsibility, and financial reward necessary to attract strong men. Furthermore, as a rule, these officers have had no relation to higher education, whether in institutions under state control or in those upon private foundation. Colleges and universities have almost universally resented any inspection or scrutiny on the part of the state. This objection has not been without justification in the past on the ground that the men at the head of state departments of education have generally been appointed through partisan considerations. Very rarely have they been men of such high educational qualification as to fit them for a general scrutiny of state institutions of learning. Such places ought to command men of the highest qualifications. They should be places of such dignity and security as to attract the best men. Until that time comes, it is idle to hope that the higher institutions of learning can be helped or the state system of general education unified or made efficient by being placed under the departments of education. Just so long as the state superintendent's office is in politics, its influence will be thrown toward those educational measures which count for large numbers rather than toward those which count for efficiency and therefore for the ultimate interest of the whole people.

All of this, however, does not detract from the fact that the state unquestionably should have the power to scrutinize and report upon the educational institutions it has chartered, whether they call themselves state institutions or private institutions. There are no private colleges in the real sense. Not only is this true, but it is also true that the college or university has everything to gain by an intelligent and wise public scrutiny. College men have exactly the same human qualities that all other men have. No human organization can be hurt by letting in the light of a decent publicity, so long as educational freedom is not taken away. College men have been among the most insistent in demanding a public scrutiny of corporations. The demand is entirely just, and no other corporations have more to gain by a wise and friendly scrutiny on the part of the state than educational corporations.

The practical question is how to secure an agency in the present stage of educational and political development which shall be able to bring into helpful coöperation the more or less detached institutions now engaged in the educational work of the state — universities, colleges, technical schools, normal schools, high schools, and industrial schools.

In the present situation a commission seems the most practicable agency to which one can turn. A small state commission contain-

ing representatives of the various educational institutions and empowered to scrutinize and report upon institutions of all kinds would seem likely to bring about a better understanding of common problems and a more just view of the whole educational problem. Such a commission would naturally have a representative from the office of the state superintendent, from the state university, from one of the strong endowed colleges, from the normal schools, and from the high schools. Such a commission would be a step forward in the use of the expert in American education. A body so chosen, comprised of educational experts who were also high-minded men, could at least do two things. It could let the people of the state know what their institutions were actually doing, and it could point the way toward a better understanding, a closer coöperation, and a higher efficiency of the separate parts of the state educational system. For the state problem of education is one problem, and it will never be efficiently solved until the various agencies for education have abandoned an attitude which is often one of hostility or of armed neutrality for one of active coöperation. As in all such efforts, the first step to be taken is to disarm suspicion and promote good-will.

The form of state commission, referred to in the last paragraph of the preceding selection, is best typified by the so-called State Board of Education recently created for Iowa. The law under which the Board was organized, as well as an extract from the second report of this Board, shows the work accomplished in eliminating duplications in work in the three higher institutions maintained by the state.

V. Iowa State Board of Education

[Acts of 33d General Assembly (1909), Chapter 170; Acts of 34th General Assembly (1911), Chapter 132.]

Section 1. **State Board of Education.** The state university, the college of agriculture and mechanic arts, including the agricultural experiment station, and the State Teachers' College at Cedar Falls, and the College for the Blind at Vinton, shall be governed by a state board of education consisting of nine members and not more than five of the members shall be of the same political party. Not more than three alumni of the above institutions and but one alumnus from each institution may be members of this board at one time.

SEC. 3. **Meetings.** The board shall meet four times a year. Special meetings may be called by the board, by the president of the board, or they may be called by the secretary of the board, upon the written request of any five members thereof.

SEC. 4. **Powers and Duties — Organization.** The state board of education shall have power to elect a president from their number; a president and treasurer for each of said educational institutions, and professors, instructors, officers, and employes, to fix the compensation to be paid to such officers and employes; to make rules and regulations for the government of said schools, not inconsistent with the laws of the state; to manage and control the property, both real and personal, belonging to said educational institutions; to execute trusts or other obligations now or hereafter committed to the institutions; to direct the expenditure of all appropriations the general assembly shall, from time to time, make to said institutions, and the expenditure of any other moneys; and to do such other acts as are necessary and proper for the execution of the powers and duties conferred upon them by law. Within ten days after the appointment and qualification of the members of the board, it shall organize and prepare to assume the duties to be vested in said board, but shall not exercise control of said institutions until the first day of July, A.D. one thousand nine hundred nine (1909).

SEC. 5. **Board of regents and boards of trustees abolished.** The board of regents and the boards of trustees now charged with the government of the state university, the college of agriculture and mechanic arts, and the normal school, shall cease to exist on the first day of July, A.D. 1909, and, on the same date, full power to manage said institutions, as herein provided, shall vest in the said state board of education. Nothing herein contained shall limit the general supervision or examining powers vested in the governor by the laws or constitution of the state.

SEC. 6. **Finance committee — officers — duties — term.** The said board of education shall appoint a finance committee of three from outside of its membership, and shall designate one of such committee as chairman and one as secretary. The secretary of this committee shall also act as secretary of the board of education and shall keep a record of the proceedings of the board and of the committee and carefully preserve all their books and papers. All acts of the board relating to the management, purchase, disposition, or use of lands or other property of said educational institutions shall be entered of record, and shall show who are present and how each member voted upon each proposition when a roll call is demanded. He shall do and perform such other duties as may be

required of him by law or the rules and regulations of said board. Not more than two members of this committee shall be of the same political party and its members shall hold office for a term of three years unless sooner removed by a vote of two-thirds of the members of the state board of education.

SEC. 7. **Qualification.** Each member of the board and each member of the finance committee shall take oath and qualify, as required by section one hundred seventy-nine (179) of the code. The members of the finance committee, before entering upon their official duties, shall each give an official bond in the sum of twenty-five thousand dollars ($25,000), conditioned as provided by law, signed by sureties approved by the governor and, when so given, said bonds shall be filed in the office of the secretary of state.

SEC. 9. **Business office — employes — monthly visitation.** A business office shall also be maintained at each of the three educational institutions, and the board shall hire such employes as may be necessary to assist the said finance committee in the performance of its duties, and shall present to each general assembly an itemized account of the expenditures of said committee. The members of the finance committee shall, once each month, attend each of the institutions named for the purpose of familiarizing themselves with the work being done, and transacting any business that may properly be brought before them as a committee.

SEC. 19. **Biennial report.** The board shall make reports to the governor and legislature of its observations and conclusions respecting each and every one of the institutions named, including the regular biennial report to the legislature covering the biennial period ending June 30th, preceding the regular session of the general assembly. Said biennial report shall be made not later than October 1st, in the year preceding the meeting of the general assembly, and shall also contain the reports which the executive officers of the several institutions are now or may be by the board required to make, including, for the use of the legislature, biennial estimates of appropriations necessary and proper to be made for the support of the said several institutions and for the extraordinary and special expenditures for buildings, betterments and other improvements. That all the powers heretofore granted to and exercised by the board of control over the College for the Blind are hereby transferred to the State Board of Education and the State Board of Education is authorized and empowered to take charge of, manage and control said College for the Blind.

VI. Duplications in Work among State Higher Institutions

[From the *Second An. Rept. Iowa State Bd. of Education*, 1912, pp. 7–12.]

At the time the first report of this Board was submitted, only a few months had elapsed for the board to study its problems and organize for its work. It was a reasonable request, therefore, that the Board made, namely that more time than had already elapsed should be allowed for a study of the more important problems confronting it, before anything like a definite policy should be announced.

In making this request for more time, special reference was had to the problem of the coordination of the institutions committed to the Board's care. It was recognized from the beginning that the legislature had this problem primarily in mind when this Board was established. The joint legislative committee which made a study of the whole matter and whose report ultimately led to the creation of this Board, made that document specific on this point. The debate preceding the passage of the bill, and numerous letters from leaders in the Thirty-third General Assembly, received since the Board's program was announced, prove conclusively that one of the chief reasons for the creation of a single board was to get rid of needless and expensive duplications, and to cause these state-owned and state-supported institutions to cease being rivals and become cooperating units in a comprehensive system of higher education.

The institutions as they exist to-day are the natural outgrowth of the system under which they have grown up. Governed by separate boards, each developed without much thought of the other, and the General Assembly had not time during its brief sessions to do more than get a superficial knowledge of the entire situation. It became more and more apparent, however, as time went on, that unjustifiable duplications existed, and that the institutions instead of being cooperating units in a general system, were to all intents and purposes rivals of each other. It was to put an end to these rivalries that this Board was created.

The Board early determined not to act hastily in this matter. There were those who urged immediate consideration of this problem, but it was deemed wise to wait until the members should have an opportunity to know for themselves something of the work each institution was attempting and what duplications were

justifiable and what unjustifiable. The subject was discussed formally and informally — in board meetings and outside; it was discussed with business men, legislators and educators as opportunity offered. Finally, a majority of the Board came to feel that two existing duplications were without justification and positively harmful, not only from the standpoint of the useless expenditure of money, but because their existence begat weakness and hindered progress. These duplications were, first, in engineering, as between the University and the State College of Agriculture and Mechanic Arts, and, second, in liberal arts, as between the University and the Teachers College.

DUPLICATIONS IN ENGINEERING

Let us consider briefly the reasons which led the Board to concentrate engineering at Ames and liberal arts at the University.

It was found that the engineering department at the State College of Agriculture and Mechanic Arts was founded in 1868, that the value of the plant and equipment at the present time is approximately $550,000.00, salary budget $60,000.00, number of professors 24, instructors 16, students 589. The University College of Applied Science was founded in 1905. The value of the plant and equipment is $201,000.00, salary budget $36,000.00, number of professors 8, instructors 10, students 168. It should be stated in this connection that engineering was taught after a fashion at the State University for many years, but the College of Applied Science, as now organized was established in 1905. While, theoretically, engineering might more logically have been established originally and exclusively at the University, the fact is that it was not so established, and not having been thus established, we question the wisdom of attempting to establish it when it was actually established, only seven years ago, especially in view of the fact that the State already possessed at Ames a department of engineering which had demonstrated its capacity to accomplish good work in this field.

Prior to 1905, the University budget in engineering had never been as much as $6,000.00 per annum. Immediately upon the establishment of the College of Applied Science on the present basis, other departments sadly in need of development had to stand aside. For example, three years ago the budget of the great department of English was only $8,000.00. The neglect of the College of Medicine was well-nigh disgraceful. Had the money devoted to the building up of the College of Applied Science

been spent on departments already established, the University would be better off to-day and would have more students.

The contention that engineering cannot be adequately developed at the College of Agriculture and Mechanic Arts, is not tenable. The work which this institution has done up to the present time speaks for itself. It numbers among its alumni men who have done some of the most notable tasks accomplished in engineering in recent years. Incident to the courses in agriculture and in veterinary medicine, there are at Ames, and there always must be, strong courses in the sciences, in English, and in the modern languages. The courses at the University and at Ames in the several departments of engineering parallel each other absolutely. If there be anything in the argument referred to, then the best plan, under the conditions that obtain in Iowa, is to do what has been done in medicine and law, that is to raise the standards of admission to, say, two years of college work, outline it, and let prospective students in engineering take their preparatory work at the University or wherever they choose. We do not look upon this argument as practical. Some of the best engineering schools in America are not connected with universities, nor do they maintain extensive cultural courses. The Massachusetts Institute of Technology, the Troy Polytechnic Institute, and the institution at Bethlehem, Pennsylvania, are separate and apart from colleges of liberal arts.

It is to be stated, moreover, in favor of the engineering department at Ames, that it has touched the commercial and industrial life of this state as the department at the University has not touched it.

Therefore, because the Board firmly believes that it is absolutely unjustifiable for the state to maintain within 125 miles of each other two engineering schools covering practically the same field, and for the further reason that the federal statute makes it obligatory to maintain engineering at Ames, it has been decided to discontinue the College of Applied Science at the University and concentrate the engineering work at Ames.

Another thing must not be forgotten, namely that where duplications such as these are maintained, the result invariably is that neither college approximates the highest standards. If two colleges of engineering were continued, it would be the duty of this Board to request of the legislature a large sum for additional equipment at Iowa City, to be available immediately; and it would be no less the duty of the legislature to vote the money; for, in anticipation of the action taken, the appropriations for this department have been held down to the lowest point.

DUPLICATIONS AT THE TEACHERS' COLLEGE

The Iowa State Normal School was established in the early 70's to train teachers for the common schools, and for many years it was, strictly speaking, a normal school. Latterly it became ambitious to extend its field to the granting of collegiate degrees, and it has gone even to the extent of offering graduate work. The legislative committee of which the late Senator Whipple was the distinguished chairman, severely criticised this branching out on the part of the normal school as a direct subversion of the real purpose for which this institution was founded; and the Board believes the criticism is justified. This duplication leads to extravagance, and moreover, the work required for the collegiate degree at the Teachers' College is not equal to that required in our standard colleges. The University is the natural place for a school of education of college grade. There exist there, and there must always exist, strong departments in modern and ancient languages, mathematics, history, philosophy, psychology, and in each of the sciences, together with expensive libraries, laboratories and museums. It costs in salaries alone to maintain the college of liberal arts at the University $167,805.00 annually. Why should the state duplicate this work within eighty miles of the University?

It was wrong, moreover, because in thus developing itself into a college, the normal school could not but neglect the real work for which it was established. All of the authorities consulted agree touching the proper place for a school of education of collegiate grade in a state scheme of education. Without exception, they place it at the State University. The truth of the matter was most happily expressed by President Van Hise of the University of Wisconsin, when he said: "A college of education as a thing apart from a college of liberal arts is unthinkable. The only possible way by which the normal school at Cedar Falls could satisfactorily give the work of a college of education would be for it to become also a college of liberal arts, and thus duplicate the very central work of the University." The facilities for the training of teachers for the rural and elementary schools of Iowa are inadequate, and the Board recommends to the legislature the establishment of additional normal schools to aid in this great work, perhaps the greatest which the state has to do. This recommendation is in line with that made by the Better Iowa Schools Commission, appointed under the authority of the State Teachers' Association.

With the two-fold purpose, therefore, of doing away with un-

justifiable duplications, and of advancing the best interests of education in Iowa by having Cedar Falls concentrate its best efforts on the training of teachers for the rural and elementary schools, the Board decided to discontinue at the Teachers' College all courses in education and in liberal arts which extend beyond the sophomore year, and to take over this work in its entirety at College of Education at the State University.

HOME ECONOMICS

The work in Home Economics now being carried on at the State College of Agriculture and Mechanic Arts is to be transferred to the University for the following reasons:

First, to avoid duplications which must otherwise be created. There are at the University at the present time approximately eight hundred young women who are clamoring for the establishment of a department of home economics. Moreover, this subject should be pursued in connection with a wide range of subjects in liberal culture which already exist at the University, but which do not and cannot without further expensive duplication, exist at the College of Agriculture and Mechanic Arts. There is also at the University a college of fine arts, and this, in connection with a strong college of liberal arts, is a most valuable adjunct for those interested in household arts. Besides, many of those studying home economics expect to become teachers, and it is desirable that they should take advantage of the opportunities offered by a college of education.

It is evidently not understood by the public generally that the home economics course at the State College of Agriculture is a purely technical course designed to prepare young women to teach this subject. It is not a home-makers' course as many seem to believe, primarily designed to aid young women from the farm toward better housekeeping. It is a teachers' course. No one can enter it who has not mastered the requirements insisted upon for entrance to the standard colleges. Formerly a home-makers' course of two years existed at this institution, but it was abolished years ago by the former board of trustees, and this strictly college course was established in lieu thereof.

Second: There is still another reason. It is the aim of the Board to introduce at the State College of Agriculture and Mechanic Arts short courses in all of the departments of agriculture, and, in connection with the engineering department, work along trade school lines. One of the great defects of our educational system is that very little is being done, either in the public schools

or the colleges, for that great body of young people who cannot take the time to master the entrance requirements for admission to standard colleges. They leave the public school before they enter the high school, which as now constituted is intended to be the vestibule of the college. Without in any way disturbing the high standards of college work now existing at the State College of Agriculture and Mechanic Arts, it is the intention of this Board to utilize this great plant for the benefit of the young men from the farms who can spare only a short time for this work, and give them an opportunity to do work along practical lines, and to do the same thing for the young men seeking to develop themselves along mechanical lines. As it is now, the boys outnumber the girls at this institution four to one. When the plan outlined shall have been carried out, they will outnumber them ten or more to one — a condition which we do not deem satisfactory, to say nothing about duplication. The extension work in home economics will be carried forward by the extension department of this institution as hitherto. The extension work in home economics and the college course have been practically separate from the beginning.

VII. Professional Education

[Pritchett, Henry S., in the *6th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1911, pp. 76–77.]

Progress in professional education throughout the United States during the past decade has been no less significant than the progress toward better relations between the colleges and the secondary schools. The industrial development of the last half-century has established a number of new professions, for which preparation is now being sought in the universities and technical schools. In addition to the four faculties of the older university — theology, law, medicine, and philosophy — universities and technical schools are now preparing men for many other callings, — civil engineering, mining engineering, electrical engineering, chemistry, bacteriology, agriculture, dentistry, pharmacy.

In the eagerness with which our institutions of learning have taken up the preparation for these various callings no very thoroughgoing consideration has been given as to which of them could be served by university teaching and which could not; or, to put the question in a somewhat different way, which of these callings are really professions and which are trades? It is clear that medicine is a profession which requires for its proper practice not only a broad general education, but thorough grounding in certain funda-

mentally important sciences, and high technical skill in addition. Such a vocation is rightly considered a profession, and for its preparation may well be attempted under the direction of the university. On the other hand, pharmacy is a calling which demands elementary technical knowledge, with accuracy and faithfulness in following out the instructions of another. It does not call for the development of the sort of independent thinking that the profession of medicine demands. It is certainly a question whether or no such a calling is to be ranked among professions, and whether a university should undertake the supervision of the training of such students any more than it would undertake the training of students in any other technical vocation.

In general, it may be said that a profession not only rests upon higher educational qualities and more extended educational qualifications, but also that the individual practising a profession assumes also a public or a quasi-public responsibility. The practitioner of law, of medicine, of theology, of teaching, of engineering, clearly occupies some such position in the community. It is a question, certainly, for the universities to determine how far and for how many callings university supervision is necessary or desirable. In this respect some progress has been made within ten years, but the steps taken have not been many. The American university in but few cases has addressed itself to the question, — For what callings are university supervision and training directly suited?

No consideration more closely touches the progress of education than the development of a sense of responsibility on the part of colleges and universities as to their ability to conduct professional schools. The history of the colleges and universities in the United States in this matter during the last ten years shows many marks of encouragement along with many reactionary steps. Until recently colleges and universities have assumed a very small measure of responsibility for their professional schools, particularly for their schools of medicine and of law. Most universities have coveted the possession of these schools because of the desire for institutional completeness. In many cases universities have allowed groups of practitioners of law or of medicine to form professional schools under the university charters, the connection with the university being of the slightest possible sort, and in a very large proportion of these cases the colleges have furnished no support for the professional schools and have exercised but little scrutiny over them. Such schools have been willing in many cases to trade upon the ignorance of the public in the effort to appear of university rank.

VIII. State Supervision of Degree-conferring Institutions

[From Rogers, Henry Wade, in *Proceedings National Education Association*, 1897, pp. 701–708.]

Mr. Freeman, the English historian and Oxford professor, publishing his "Impressions of the United States," declared that one of the first things that impressed the stranger was the amazing number of universities and colleges existing here. After stating "We can hardly be wrong in inferring that the degrees granted by some of these institutions cannot be worth very much," he goes on to say, "Now, my feelings make me most loath to say a word in any federal country against the powers of the several states, but it is surely not unreasonable to hint that the right of granting degrees should be assumed only by authority of the federal power. For a degree is surely a national thing, or, rather, it is something more than a national thing. It ought to be — I do not say whether it anywhere is — something like knighthood in old times, a badge of scholarship which should enable a man to take his place among scholars in any land to which he may come." Mr. Freeman seems to have been led to make these observations by the fact, to which he directs attention, that in the one state of Ohio there were thirty-two institutions with authority to grant degrees. It is easy to imagine that his feelings on this subject would have been not a little intensified, and his convictions very considerably strengthened, had he known that in the single state of Pennsylvania, which has not generally been regarded as sinning in these matters, one hundred and twenty institutions have authority to confer degrees. How many institutions there are in the country as a whole which have like authority I have not ascertained. The number is certainly large enough to afford good and sufficient reasons for reflections of a serious character.

In the first place, we must concede that there is no disposition on the part of the American people to transfer to the national government any part of the powers now vested in the state governments. In the second place, there appears to be no adequate reason for supposing that, if the federal government were possessed of the power advocated by Mr. Freeman, the educational standards of the country would be any higher than they are under existing conditions. It cannot even be said with any degree of certainty that there would be a uniform law, under which institutions of learning would be incorporated, unless the constitution should be

so amended as expressly to require it. Whatever reform is to be accomplished will have to be wrought out by the individual action of the states.

The difficulty under which we labor in this country is not due to the fact that the states, rather than the United States, are in control of the subject of education. In Germany control over the universities is not in the empire, but, as in this country, is in the several states. The only difference is that in Germany the states exercise their rights of supervision, while in the United States, as a rule, they do not.

In this country it is usual to provide in the state constitutions that the legislatures shall pass no special act conferring corporate powers, but shall provide by general laws for the organization of corporations. The practice is, therefore, to enact a general law which commonly provides that any three or five persons may be incorporated as a college or university on filing in the proper office a certificate stating the name, object, number of trustees, and place of location of the institution, and that it shall have power to grant such literary honors and degrees as are usually conferred by such institutions. In some states the degree power is granted without any restrictions, while in a few instances, as in Michigan and Minnesota, it is given, provided "the course of study to be pursued in such institution is in all respects as thorough and comprehensive as is usually pursued in similar institutions of the United States." This last provision is well in theory, but in practice does not always afford that protection against abuses which it was intended to secure.

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The cause of professional as well as academic education suffers from the want of adequate state supervision. Professional schools have been established, generally in the large cities, which are governed by purely commercial standards. We have in this country schools of law, medicine, dentistry, and pharmacy that appear to be organized and conducted for the purpose of making money. They are stock corporations, the stock being generally held by the members of the teaching force, the teachers being chosen, not for their fitness for any particular chair, but because of their willingness and ability to put up the money that is needed. The shorter the course of study, the cheaper the class of teachers; the less expended for books and apparatus, and the easier it is made to be admitted and graduated, the greater the number of students becomes and the larger the amount of dividends paid. Men who make merchandise of professional education have low professional and scholastic ideals. They are inclined to receive

all students who apply for admission, without much regard to their previous preparation or their moral character. They allow the students thus admitted to continue in their school without being concerned greatly as to the manner in which they apply themselves to study. They graduate them after an attendance for the allotted period, without scrutinizing too closely the extent of their ignorance, and confer upon them a degree which in theory is supposed to stand for high attainments. This sort of thing, impossible in Europe, should be made impossible in America. Such a condition of affairs is demoralizing beyond question. The tendency of it is all in the direction of low standards. It destroys the value of degrees. It imposes on the public a class of educational charlatans, and works injury to the students it falsely pretends to educate. It multiplies the difficulties in the way of those institutions that are endeavoring to do their work according to the highest standards. A faculty of law, or medicine, or dentistry, or pharmacy that is conducting a school on any such basis as that described ought not to have authority to confer degrees. There should be no hesitancy in declaring that the interests of education, and, therefore, the interests of the public, require that, when the state does not exercise a power of supervision and does not establish a minimum standard of admission and graduation, it should withhold from every stock company the power of conferring degrees. I do not desire to be understood as intimating an opinion that no school can be worthy of public confidence which is conducted by a stock corporation paying dividends to its members, but only that the danger from schools of this class is so great that it is not wise, in the absence of state supervision, to intrust them with the degree-conferring power. While here and there a dividend-paying school may exist with high standards and be worthy of confidence, the influence of the great majority of schools conducted for the purposes of revenue is so bad, from an educational point of view, that the state would be justified in withholding from them all degree-conferring power.

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In America we are too easy-going about many things, and we have much to learn from a study of European methods and the legislation of foreign states. American degrees are discredited in Europe because of the want of supervision of the degree-conferring power.

The constitutional provisions against special laws and making it necessary to incorporate under general statutes do not prevent the state from establishing all needed restrictions for the safeguarding of degrees.

There should be established in each state a council of education which shall be intrusted with powers similar to those vested in the Regents of the University of New York, and it should be composed of the most eminent men in the state, without any reference to political considerations. No degree-conferring institution should be incorporated without the approval of the council of education, which should be indorsed upon or filed with the certificate of incorporation. That council should have the right to fix the minimum standard of requirements for admission and graduation, and the conditions under which degrees may be conferred, and the degree-conferring power should be withheld from all institutions not complying with the regulations established. Such legislation should be made applicable to all institutions thereafter incorporated, as well as to those already incorporated, when the state has reserved the power to modify the powers conferred. It could not be made to apply to institutions already incorporated in cases where the state has not reserved power to do so.

There appears to be no good reason for doubting the constitutionality of the proposed legislation. No constitutional provision is violated by creating a commission or council, and giving it the power to decide the questions which otherwise would be left to each institution to decide for itself. The principle that legislative power cannot be delegated is not involved. On determining the questions submitted to it, the council is no more engaged in acts of legislation than would be the institutions themselves or the individual incorporators. "Cannot the legislature," asks the New York court of appeals, "confer upon a commission the power, upon the application of individuals, to make the same determination for the individuals which they could make for themselves?" The court answered the question in the affirmative, and so, I believe, would the courts of the country generally.

May we not hope that, in the several states, legislation may be obtained which shall protect the universities of the country from the evils which exist from the failure to exercise a supervision deemed essential by European states? We Americans need to rid ourselves of the notion that a "go-as-you-please" policy is good enough for us. The time has come when institutions doing only preparatory work should not be permitted to confer university degrees, and when professional schools established as money-making manufactories should be deprived of the right to sell degrees.

IX. The University and the State

[From Van Hise, Charles R., Commencement Address (1910), University of Wisconsin.]

The strength of the state university lies in its close relations to the state. The state demands of it service; the university feels a peculiar obligation to the state in which it is situated. It is the duty of the state university to instruct young men and women; it is its duty to advance knowledge, and especially those lines of knowledge which concern the development of the state. It is the duty of the staff of the state university to be at the service of the state along all lines in which their expert knowledge will be helpful; it is their duty to assist in carrying knowledge to the people.

These relations between the university and the state bind them closely together. The growth of the university is dependent upon the state. The state owns the university; and every citizen feels himself to be a stockholder in that ownership. But associated with these close relations, which are the strength of the state university, are also its most serious dangers. These are that the university may be politically controlled, and that it may be hampered in its work.

DANGER IN POLITICAL CONTROL

To the first of these dangers the state university is expecially exposed in its youth. A number of such universities have suffered from politics in their early history; and President Pritchett of the Carnegie Foundation for the Advancement of Teaching, in his last report mentions the fact that recently the universities of Oklahoma and Florida have had revolutions due to political changes. From these disasters it will be many years before they recover. It speaks well for the democracy of this country that as the states have developed the danger of political interference in university government has steadily become less. At the present time there is no serious danger of political control in any of the older and stronger state universities.

INTERFERENCE WITH ACADEMIC FREEDOM

The other danger of the close association of the university with the state, — interference with its work — has two aspects; first, it may be demanded that the teaching which looks toward material ends shall be strong, while the humanities are allowed to remain

weak or not properly developed, and second, freedom of teaching and investigation may be interfered with. The former is probably the more imminent danger for the majority of institutions.

It is natural, indeed inevitable, that the people shall demand that effective teaching, research, and extension of knowledge shall be done in agriculture, in engineering, and in other lines from which a financial return may be shown from the investment. These demands are right and should be fully met by the university; but also the people should appreciate that all material gains are for men and women. Why do we wish to produce more wheat and cotton? In order that human beings may be fed and clothed. But, "The life is more than meat and the body is more than raiment." Shall the people demand of their university that it provide for their material needs and neglect the people themselves, — their intellectual, artistic, moral, and spiritual development? The capacity of a state university to make the man himself, as a subject of study and advancement, maintain a paramount position will be the crucial test of the state university.

The university authorities must insist that man shall not become subordinate to material gain, which is for him. If the people will support a state university in which these ideals obtain, then can it be truly said that a democracy is a success.

The remaining danger of the close association of the state with the university is the possibility of interference with the freedom of teaching and investigation. If such interference occurs, it is likely to be indirect rather than direct, and is therefore all the more insidious. A sentiment may be developed or a situation may arise in a state such that the professor feels he is not free to teach the truth as he sees it; and to quote a phrase, he may feel that he must shade the truth somewhat.

INVESTIGATION SHOULD NOT BE RESTRICTED

For my own part I have no doubt that in all the states in which the state universities are strongly established the overwhelming majority of the people are in favor of absolute freedom of teaching and investigation. But frequently the deep-seated dominant sentiment does not express itself, and there are always some who would place limitations upon the field of a university. But a university must insist that the whole domain of physical and human phenomena belong within its scope, — pure science, applied science, politics, morals, religion, are proper fields of study for a university. No part of the domain of human experience, knowledge, or ideas can be set off as forbidden ground.

In making this statement I do not mean to imply that the state university should dogmatize; but this is no more true of politics and religion than it is of agriculture. In no field should the method of the university be that of dogmatic teaching. The facts concerning any subject should be broadly dealt with; none should be hidden; their bearings should be considered with reference to the principles which flow from them; and always without bias. The attitude of the professor in reference to every subject should be that of a candid judge, not that of an advocate, but an absolutely free and fearless judge who feels heavily the responsibility of his position of trust. The professor should consider the problem before him in the light of pure reason with no thought but to find the truth, wholly uninfluenced by popular sentiment or passion. Shall the university be free to teach that a certain practice in agriculture is wrong and advocate a new and improved practice, and the same principle not apply in politics and in morals? Such a position would be intolerable. No institution which does not handle the humanities in all their amplifications under the same principles that it handles the pure and applied sciences is worthy of the name of a university.

In taking part in the work of advancement of the state, the staff of the university should be free from intellectual arrogance and devoid of any attempt to force their ideas upon the people. If the state gives freedom of teaching and investigation to the university staff, also the people of the state should be free to accept or reject as their judgment may dictate.

It is by the free contest of ideas and ideals, often widely diverging, that progress is made. It is self-evident that no man or group of men have the right to assume that they have a monopoly of truth. The staff of a university, above most groups of men, should recognize the complexity of the facts, the impossibility of arriving at the absolute, and so without fear and without bias, with firmness, but with profound humility, present their ideas to the world to be accepted if found good and to be rejected if found inadequate.

"THE SOUL OF THE STATE"

It has been said that the university should be the soul of the state; this is not my phrase, but I shall be proud of the University of Wisconsin, just in proportion as it becomes the soul of the state. Every man of high ideals is a part of that soul. Every institution which works for the upbuilding of humanity, be it church or prison, is a part of the soul of the state. Every school and college is a part of that soul, and it should be the aim of each

to be as large a part as possible. The university, the culmination of the educational system of the state, would be a miserable institution indeed if it could not justly claim to be a large segment of the soul of the state.

A state university should not be a follower, but a leader, and in all fields. Says President Pritchett in a recent article in the *Atlantic*, speaking of the state university: "Those who direct the purpose of these great enterprises of the democracy cannot be too often reminded that the highest function of a university is to furnish standards for a democracy." And again, "The rise of these great universities is the most epoch-making feature of our American civilization, and they are to become more and more the leaders, and the makers of our civilization. They are of the people. When a state university has gained solid ground, it means that the people of a whole state have turned their faces toward the light, it means that the whole system of state schools has been welded into an effective agent for civilization."

At the recent inauguration of President Abbott Lawrence Lowell, among the many high notes sounded, one clearly stood out above all others. Said James Bryce: "The university should reflect the spirit of the times without yielding to it." That is to say, the university must truly serve present needs, but also it should stand above them and lead to higher ideals.

UNIVERSITY MUST NOT SHIRK LEADERSHIP

The unrest which has characterized the first decade of this twentieth century has led to many new proposals in all fields. The conservatives have sometimes been disturbed because questions have arisen which in the past have been regarded as settled.

With reference to such questions it has sometimes been said that the university should keep off; that it should take no part in their consideration; that it should let the battle be fought out by others without any attempt at leadership. This position the university authorities and its friends must firmly resist. At times of unrest when new and important issues are arising, when old convictions are being questioned, is a time when the men of learning who know history, who should know the facts broadly and who have no purpose but the greatest good of the greatest number, should be absolutely free. If at such times those who should be leaders do not throw their intellect and influence in the right direction, there is danger that demagoguery and passion may lead in wrong directions with resulting disaster. It is because of the present general unrest that I again formulate the principles in

reference to a free university, well established for a hundred years, lest by any deviation from that at this critical time the University of Wisconsin shall fail to do its full duty to the state and to the nation.

The progress of the nation and the state will continue. The old ideas and ideals will be modified. The human race is ever moving upward and onward; but such movement always involves vexation, strife, dissension, often pain on the part of those who are disturbed in their convictions. No advance has ever been made without suffering; such is the cost of progress. This is alike true of the labor-saving machine and of the forward intellectual or spiritual step. In order that the suffering and pain of advance shall be reduced to a minimum; in order that the benefactions of the advance shall be a maximum; and far outweigh the cost, it is incumbent that the universities play their part in leadership. Times of unrest, of changing ideas and ideals, are above all the times when the university should be most effective in the guidance of public opinion.

Times of unrest and change are not the times for the university to trim; they are the times to set every sail from the main course to the sky sails so that all may draw. If at a time of stress the university furls its sails the people will lose confidence in the institution that remains supinely in the harbor when the state is confronted with vital questions in reference to which assistance should be given. The state has a right to demand of the university expert service in valuing a public utility; it has equally the right to demand expert service in politics and sociology.

DIVISION IV

FINANCING THE SYSTEM

CHAPTERS XVII–XVIII

CHAPTER XVII

FUNDS AND TAXATION

Much has been written on the subject of school funds and taxation for public education, but of this literature only a few extracts which are especially illustrative are here reproduced. The three relating to the history of permanent school funds are illustrative of types. The history of the Massachusetts fund is that of a state which received no land grants, but has itself built up a fund of moderate size, and which it now uses to assist only its poorer communities. The history of the Wisconsin school fund is typical of the waste and mismanagement which characterized most of the earlier grants for education. The sketch of the Minnesota fund is typical of the newer attitude toward these grants, and of the efforts now being made by a number of the states to preserve what is left of their grants. But few states will be able to develop so large a fund as will Minnesota.

I. History of the Massachusetts School Fund

[From the *64th An. Rept. of the Mass. Bd. of Educ.* 1899–1900, pp. 16–21.]

The Massachusetts school fund was established in 1834, at the close of the first third of the passing century. The Board of Education was established three years later. These legislative acts are the foundation of the present organization of our school system. The purpose of the fund was "the aid and encouragement of schools." The towns were stimulated to make more generous appropriations for public education, and the statistical returns of the condition and growth of the schools were secured, which enabled the Board of Education to frame intelligently and wisely the legislation that has been the inspiration and the safeguard of popular

education for two thirds of a century. These acts marked the change from an unrelated mass of schools to a superior system of organization, which was brought about by the persuasive influence of the fund and the wise counsels of the Board of Education, rather than by the enforcement of any general mandatory act. The great force which the State exerted beyond certain requirements as to maintenance, and attendance upon the schools, was mainly in the form of aid and advice.

A glance at the history of the fund and the varying methods of the distribution of its income will show that it was intended to supplement but in no wise to supplant the efforts of the local committees to maintain their schools.

The fund was to consist of the money in the treasury derived from the sale of lands in the State of Maine, and from the claims of the State upon the United States for military services, together with half of all money thereafter to be received from the sale of Maine lands, and the principal was not to exceed $1,000,000. Subsequent enactments of the Legislature placed in the fund $75,000 of the money received by the State under the provisions of the Treaty of Washington, and transferred in 1854 a sufficient number of shares of the Western Railroad Corporation to increase the principal of the fund to $1,500,000. In 1859 it was provided that one half of the proceeds of the sales of the Back Bay lands in Boston should be added to the principal of the fund; but five years later, under the stress of the Civil War, this source of income was diverted to the bounty loan sinking fund, after the principal of the school fund should have reached $2,000,000. When the State in 1882 sold the Boston and Albany stock, which formed part of the investment, the fund was increased some $700,000 by the premiums received; and in 1890 a similar amount was placed in the fund by the refunding of the United States direct tax. In 1894 the principal of the fund was fixed at $5,000,000, $100,000 to be paid into it annually from the treasury until that sum is reached. The principal at the present time amounts to $4,370,548.

DISTRIBUTION OF THE INCOME

The history of the application of the income of the fund shows that from the beginning it has been used to stimulate the towns to greater exertion for educational purposes, and that aid has been withdrawn when the growth and increasing wealth of the municipalities rendered assistance no longer necessary.

The first apportionment of the income was made by the Legislature in 1835, two years before the State Board of Education was

established. One half of the income of the fund was distributed to the several cities, towns and districts, according to the ratio of population; the other half in proportion to the amount of money raised by taxation and expended for the support of schools. Later in the same year a law was enacted providing that the distribution of the income should be in the future according to the number of persons between the ages of four and sixteen. Five years later the distribution was again made according to the ratio of population; but the following year a return was made to the former basis, with the provision that no apportionment should be made to any town that did not raise a sum equal to $1.25 for each person of school age. In 1849 the sum to be raised by taxation was increased to $1.50 and the distribution was based upon the number of persons between the ages of five and fifteen. One half of the income from this period to the present time has been applied to the normal schools and other general expenses. This continued to be the basis of distribution of the half distributed to the towns until 1885, when it was enacted that no town should receive benefit from the fund unless the town had raised by taxation and expended for its schools a sum of not less than $3 for each person between the ages of five and fifteen. This law still continues in force.

As it became evident that the smaller agricultural towns were becoming depleted in population and valuation, the method of distribution was from time to time changed in order to aid these over-burdened communities. The cities and larger towns relinquished their income from the fund for this purpose; and its aid was withdrawn from all towns of over $10,000,000 valuation in 1874, and subsequently from towns of over $3,000,000 valuation, — the law at the present time. It was found that no general basis of school population or property valuation would afford the needed aid to small towns with a vanishing population and a fading valuation. To meet this, certain lump sums were allotted to this class of towns in inverse proportion to their valuation, the towns at the same time being forbidden to decrease their effort and stimulated to increase their exertion by a distribution of a portion of the income as a premium upon their local taxation for the support of schools.

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PROSPECTIVE INCREASE OF THE FUND

The Legislature in 1899 provided for the sale of the common stock of the Fitchburg Railroad held by the State to the Boston

and Maine Railroad for $5,000,000, in fifty-year gold bonds of that road, bearing interest at 3 per cent per annum; and according to the provisions of section 3 of chapter 408 of the Acts of 1893 practically the income of the bonds is to be annually added to the income of the Massachusetts school fund. When the principal of the fund shall reach $5,000,000 under the present law these bonds shall be placed in it, and made a part of, the principal of the fund. The income from the school fund at the present time in round numbers is $200,000 annually ($228,558.32 in 1912), owing to its investment in prime securities at a premium paid from the general treasury.

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With an increase of the school fund such that the amount to be distributed to the towns under existing legislation is not far from double the amount hitherto available, legislation in the direction of a State tax for the purpose of maintaining a uniform standard of schools in the State would be, in the opinion of the Board, neither necessary nor desirable in this Commonwealth.

From the beginning the burden of the schools has been borne almost entirely by the cities and towns. It was never the intention that the income of the school fund, or any form of State aid, should be so employed as to diminish, or render unnecessary, sacrifice and effort on the part of the people. Any considerable sum, whether the income of a fund, or produced by the irritation and uncertainty of an annual State tax, distributed generally to the towns would tend to weaken rather than to strengthen, to paralyze rather than to stimulate the interest and effort of the people in the organization and care of schools. The local control within certain general requirements of the State has been one of the elements of strength of the system. The municipalities have grown to be self-reliant and independent. As the local autonomy of the towns is the fundamental principle upon which the civic structure which we know as the Commonwealth is founded, so the voluntary self-sacrifice and self-denial of the people in the maintenance of the public schools lie at the foundation of the intelligence, the virtue and the humanity that are the proudest traits of New England character.

II. The Wisconsin Common School Fund

[From a report on The Common School Fund of Wisconsin, made by State Superintendent Oliver E. Wells, and published in the *Bien. Rept. of the Dept. of Public Instruction*, 1891–1892, pp. 141–161.]

The State Superintendent is required by law to report to the Governor biennially " plans for the improvement and management of the school fund." During the first ten years after the formation of the state such reports were made with great care. Later reports of state superintendents have given little attention to this important subject.

By the courtesy of other officers of the state administration I am able to present the results of some investigations relative to the past management of the school lands and of the other sources from which the school fund is derived. I am convinced that millions of dollars have been lost to this fund, but the whole subject is so complicated and requires such long and patient investigation that I am unable to show all of the lines of loss in detail. I have secured aggregates, however, which abundantly prove the strong statement made above. In making this report I wish it distinctly understood that I am not placing the fault for this tremendous loss at the doors of individuals.

The greatest losses have occurred in the sales of school lands and in the failure to collect penal fines. The system under which public land sales are made is radically defective. No business man would follow such a system in his private affairs.

By the constitution the Secretary of State, the State Treasurer and the Attorney General are made the commissioners of public lands. Each of these officers is personally and solely responsible for the administration of another great bureau of the state government which demands persistent and engrossing thought. These commissioners are hampered in the work of protecting and selling these lands by the want of authority to pay the expenses of competent agents to view and inspect them. By this shortsighted economy the state has lost millions to save thousands.

The building of a new railroad, the establishment of large mills or industries, the discovery of mines of iron ore, an unexpected use for a kind of timber which had been of little worth, may cause state lands, which have been on the market for years suddenly to rise greatly in value. Private parties or corporations, with agents in the field, learn these facts and buy the lands before the public officers are informed of the change in the situation.

Little has been done in recent years because it has been thought that the state lands have all been sold. Six hundred thousand acres of land belonging to the various trust funds are still to be sold, and the state may easily save $1,500,000 on their sale by giving the land commissioners fuller means and authority.

When the state offers lands worth $15 or $25 per acre for $1.25 or $3.00 per acre, no citizen can be blamed for purchasing them. The state has not only lost by selling lands at less than their value, but it has held at $1.25 per acre, for years, lands only worth fifty cents an acre, from lack of information on the part of the officers in charge or from their lack of authority to make the necessary reduction in price. Some lands not now in the market are reputed to be worth $50 per acre. It is notorious that state lands covered with valuable timber have been sold, a fraction of the purchase price paid, the timber removed and the lands then allowed to lapse to the state. The present land commissioners are making every effort within their power to secure the conviction of a large number of persons who have denuded public lands of timber in violation of the law, and they are finding a tremendous task before them — one to which their means are not adequate.

A study of the state constitution, of the debates and discussions which preceded its adoption, and of the first reports of the state superintendent show that the founders of the commonwealth laid careful plans to secure for the children of the state for centuries to come the benefits flowing from a princely school fund. . . . The earlier state superintendents estimated that over $5,000,000 would be received from the sale of the school lands. Later developments show that double that amount might easily have been secured.

Since those estimates were made the state has received 1,000,000 acres of selected lands in lieu of lands taken by the general government. About four-fifths of these selected lands belong to the common school fund. Much of this land was valuable, but large amounts have been sold at from one-fifth to one-half their real worth. The school fund last September (1892) with large accretions from other sources than the sale of school land, only amounted to $3,360,000. In this connection, and as a basis of comparison, the history of the lands owned by Cornell University in this state is instructive. The grant of 960,000 acres was located in northern Wisconsin. A large share of it was put on the market and sold at sixty cents per acre, before the majority of the Trustees of that institution understood its value. Since they learned its worth they have received $4,500,000 from it and now hold lands worth fully $1,500,000. Large sales of stumpage have been made at

$20 per acre, and the land has been sold at $10 per acre after the pine timber was removed. The original grants to our state for school purposes amounted, according to the estimates of the earlier reports, to 1,474,720 acres. After the sale of all but 60,000 acres the state can show but about $2,000,000 in its school fund credited to this source. Our magnificent heritage, the sacred birthright of helpless children, has been squandered and plundered by ruthless hands.

The Hon. A. C. Barry, in his report as state superintendent in 1858, deplored the gross negligence in dealing with the school funds. He said at that time, "Whoever attempts to divert any portion of our sacred school fund from its consecrated purposes of education should feel that he is treading on holy ground. That noble fund is the hope of our people,—of 264,000 children now living in our midst, and of millions yet unborn. They crave the boon of education, which is their chief, as well as their best inheritance, and for that education they must ever rely upon the people's colleges, the common schools of our state. Those children need a fit preparation, for they must soon wield the destinies of Wisconsin. Every dollar abstracted from the school fund, under whatever plea, will yet have to be replaced with more than compound interest, or ignorance, vice and crime will be the penalty of our children, and our children's children will have to suffer as a natural consequence of our misguided folly."

I recommend that the legislature order the immediate withdrawal from the market of all school lands owned by the state, and that no further sales be made until the value of these lands be fixed by competent and reliable appraisers. . . . I also recommend that the legislature give authority to some competent officer, who is interested in the enlargement of the school fund, to examine the dockets of justices of the peace and to commence action against those who do not make complete records of all convictions and fines on their dockets, or who do not report and remit the fines collected by the proper county officers.

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The language of the constitution clearly expresses an intention to make the school fund a perpetual, productive fund, the purpose of whose income should be to lessen the burden of taxation for school purposes. It was to stand side by side with the industries of the state in producing a revenue sufficient to meet the demands of the state for popular education.

It will be observed that the fund is derived from sources which entail no burdens upon the people of the state. The purposes of

the fund can be realized only when it is in actual existence as a productive fund, independent of the taxable property of the state. The state government was made its trustee, and the people of the state its beneficiaries. A brief statement of the present condition of the school fund is necessary to make evident the manner in which this sacred trust has been administered.

The nominal amount of the school funds is $5,652,461.59. The report of the Secretary of State shows that $2,251,900 of this amount is in the form of certificates of indebtedness of the State of Wisconsin, and the remaining portion is invested in bonds, in accordance with the law. The certificates of indebtedness are evidences of the disappearance of nearly half of the school funds. The rate of interest on these certificates is 7 per cent. The state is thereby made debtor to the funds to which it bears the relation of trustee. The disadvantage that follows is evident. Instead of a productive fund whose income diminishes the weight of taxation, there is a state debt by reason of which the annual tax levy is greatly increased. A debt is not the equivalent of a productive fund. Were the entire fund available for loans in accordance with the requirements of the constitution the income would be a charge upon private enterprises, and its use for public purposes would, to that extent, lessen public burdens.

The common school fund may be taken as an illustration. For the year ending September 30, 1892, the entire common school fund income was $205,047.85. Of this amount $109,459 was derived from the interest upon the certificates of indebtedness, and was raised by a tax upon the industry of the people of the state. Only a small part of this would have been necessary had the entire fund been invested in the bonds of public corporations, as the fund in such case would have well-nigh earned an equivalent amount to take the place of the tax as a revenue to be used in the support of common schools. No difficulty is experienced by the present commissioners in making safe investments of all the available school fund. The demand is greatly in excess of the amount at their disposal.

The law which directed the investment of the school fund in the purchase of state bonds provided for the cancellation of the bonds and the substitution therefor of the certificates of indebtedness. The certificates are non-negotiable and non-transferable. No provision whatever is made for their payment. The discretionary authority of the commissioners, who are clothed with constitutional powers over its investment, is thereby destroyed by the force of statutory enactment. The effect is the creation of a perpetual state debt, requiring the levy and collection of an annual state tax to

the amount of $157,570 to pay the interest thereon. The interest paid by the people thus far amounts to more than $4,200,000 ($7,350,000 by 1912), and the process seems only just begun. It is thus apparent that additional burdens of taxation are the only fruits of the school fund, the very result it was intended to avoid.

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A diligent study of the records and a careful examination of the laws and of the published reports have not enabled me to write the history of the depletion of the school funds. The variation of the ledger accounts at Madison and Washington, the divergences in the various official statements, many of which are not here enumerated, the absence of all original vouchers in one large account, and the disappearance of many others in other accounts whose files are ostensibly complete, render any attempt at making a trustworthy statement precarious. It would have afforded me great satisfaction to have been able to give such a clear and complete account of these transactions as the books of a great business enterprise honestly managed ought to show. This seems evident: That a wise administration of all the provisions relating to the school fund should have resulted in a permanent endowment of from $15,000,000 to $20,000,000; that we have instead cash and money invested to the amount of $3,401,461.49 and a permanent state debt of $2,251,000; that the application of the available productive funds to the liquidation of the state debt would practically leave the state as though no provision had ever been made for the support of its schools; that the necessity for the disappearance of this money is not apparent; that the laws and the records bear witness to transactions of more than doubtful propriety, and that the security for the debt is of questionable validity.

III. The Minnesota School Fund

[From an unpublished paper, "Conservation in Minnesota by Early Pioneers," by Julius A. Schmahl, Secretary of State.]

. . . It is significant to note that the grant of land for our state University was made by Congress in 1851, many years before the state was organized. To-day we are claiming the largest school and University fund of any separate political organization in the world. Our school fund now amounts to more than $21,500,000, and we still have approximately 3,000,000 acres of land. Our remaining lands have great wealth, fertile soil, abundance of grow-

ing timber, and the value of our iron ore deposits belonging to the state school and university funds, is almost beyond comprehension. We have nearly one thousand forty acre tracts of land under mineral contracts in the iron-bearing districts, from which it is believed the state will receive an average of 1,000,000 tons for every forty acre tract, or a grand total of one billion tons, which at a royalty of twenty-five cents per ton, the present contract price, will produce the sum of $250,000,000. This princely endowment will be realized within fifty years, or before the state has passed the century mark in age. Of this sum it is estimated that the permanent school fund will receive $170,000,000, the university fund, $30,000,000 and the remainder will pass into the swamp land fund, one-half the income from which goes to the school fund and the remainder to assist in maintaining our state institutions. These immense funds invested to produce not more than four per cent interest will bring an annual income of more than $6,000,000 for the support of our public schools and $1,200,000 a year for the state university. This is indeed a magnificent endowment and a positive guarantee of popular education for the youth of Minnesota for all time to come.

The boys and girls of the present and future generations of Minnesota are and will be profoundly grateful for the splendid educational opportunities thus provided for their welfare. And every act of our present state officials is to show the appreciation of what our forefathers have done by zealously guarding these great trust inheritances and by wisely and economically expending the income which is being derived from them. That future official guardians of the trust will continue to do so is manifested by the keen interest which the present generation displays in this glorious heritage.

The estimates which I have given of the income from our iron lands may seem very large, but the figures are borne out by the tables already actually compiled and listed with the state tax commission for taxation purposes of those properties which have already been explored or developed for the discovery of iron ore. The lessees from the state, already covering twenty-six contracts for mines and containing ninety-nine forty acre tracts, have listed 98,446,488 tons of iron ore. Seven contracts covering sixteen forties of university land, have a listed tonnage of 8,408,495 tons and seven contracts of state swamp lands, covering twelve forties have listed a tonnage of 30,658,341, or a total of one hundred and twenty-seven forties, and an aggregate tonnage of 137,513,324 tons. This is the tonnage actually given by the lessees from the state for taxation purposes, and only covers that portion of the

leases which have been actually explored. It is therefore perfectly safe to assume that this amount is not over-estimated. In fact from the knowledge of the properties already gleaned, we are justified in saying that the lands, when mined, will show more than double that amount of iron ore, or an average of considerably more than 2,000,000 tons per forty.

Without in any way desiring to criticise the administration of other states it may be of interest to note the experience of neighboring states in the administration of school lands. Michigan, Iowa and Wisconsin were all admitted to the Union before Minnesota, so that those who had to do with establishing the policy of this state had the benefit of the experience of other states. Those states received large land grants from Congress containing minerals, timber and farming lands, approximately as Minnesota. It appears that they sold the land outright for a small sum per acre, retaining neither the timber nor the mineral. From the official report of Michigan made on June 30, 1908, that state had a permanent or primary school fund of a little over four millions of dollars, a university and agricultural college fund of a little more than a million and a half dollars with substantially all of the land which it secured from Congress, sold. On June 30, 1906, Wisconsin had a school fund of nearly four million dollars, and only 22,964 acres of land remaining unsold. Under the Wisconsin law all escheated estates and all fines collected under penal laws, and five per cent of the United States land collections were added to the school fund. Wisconsin has a permanent agricultural and university fund of only $535,920.11 and 364 acres unsold. On July 1, 1908, Iowa had a permanent school fund of $4,778,019.46. In Iowa the sales of school land were conducted by the county officers and the funds derived from the sale of the lands in the several counties were kept in the county treasury and are loaned on first mortgage real estate securities. From the report of the Iowa state auditor it would appear that this method of handling the permanent funds has not been successful. The school fund of Iowa, in addition to receiving the proceeds of the sales of section sixteen in each township and 500,000 acres of land granted by Congress, also received all escheated sales of United States Government lands.

It will be seen from these figures that Minnesota is now receiving the benefits of the far-sightedness of Governor Ramsay and his group of early law-makers in this important respect. First, in 1861, at a time when government lands were on the market at $1.25 per acre a minimum of $5 per acre was first placed upon our school lands sold for farming purposes. Second, the pine timber

lands were withdrawn from market entirely, except that the timber could be sold at public sale to the highest bidder at a certain sum per thousand feet to be scaled by the surveyor general of Minnesota, and not until the timber had been sold could the land be offered for farming purposes.

Thus it was that when iron was discovered northwest of Duluth the state was the owner in fee of large areas of cut-over lands in the iron ore-bearing district which formerly carried pine timber. In 1889, a law was passed to lease the lands for iron ore or mining purposes at a minimum rate of twenty-five cents per ton. A little later a general law was passed reserving to the state all minerals on state lands. With the extension of the iron area westward and northward from the old iron ranges, and the vast deposits yet undiscovered and which undoubtedly lie in that territory on state lands, the future greatness of the permanent school fund of Minnesota is assured, and even beyond the conservative figures which are given in this article. . . .

Taxation for Education. — The three extracts which follow relate to taxation for education. The first is a clear statement of the theory of general taxation for education, from a recent Virginia report; the second is a clear statement of the reciprocal obligations of a state; while the third is a very good analysis of the inequalities in wealth and in the distribution of aid for a typical Mississippi Valley state.

IV. Theory on which Taxation for Public Education is Based

[From the *Report of the Virginia Educational Commission*, 1912, pp. 65–67. From the portion of the Report dealing with the levying of a mill tax for the support of the educational system of the state.]

Herbert Spencer in 1850 announced the doctrine that the taxation of one man's property for the purpose of educating another man's children is robbery, and that the State has no more right to administer education than it has to administer religion.

Legislation, both in Europe and in this country, has in a practical way completely refuted that doctrine. In the evolution of

the democratic idea of government, education early found a place. A larger view of the functions of government than that of mere police protection, to which Spencer's doctrine would limit it, has been expressed in child-labor laws which take away from the parent the right to enslave his children, rigid health measures and various other enactments of similar character, designed not so much for the individual, but for the protection of society and the welfare of the State.

The civilized world to-day has, in the matter of public education, rather followed the dictum of Macaulay that "Whoever has the right to hang, has the right to educate."

In practice it chooses to be guided by the wisdom of Thomas Jefferson, first of English speaking statesmen who perceived the true meaning of education as an influence moulding State and national life. According to Lord Macaulay he was the foremost statesman in the world in the clearness and completeness of his conception of universal education. Jefferson said, "I look to the diffusion of light and education as the resource most to be relied on for ameliorating the condition, promoting the virtue and advancing the happiness of man. A system of general instruction which shall reach every description of our citizens, from the richest to the poorest, as it was the earliest, so it will be the latest of all the public concerns in which I shall permit myself to take an interest. Educate and inform the whole mass of the people. No other sure foundation can be devised for the preservation of freedom and happiness." He also regarded it as an economic question, for he says further, "If children are untaught, their ignorances and vices will in future cost us much dearer in their consequences than it would have done in their correction by a good education."

The modern accepted theory of the State, then, assumes that the government not only *can* levy taxes for the establishment and maintenance of schools, but it is just as much its duty by this means to protect itself against ignorance and its consequences as it is to protect itself against paupers by maintaining almshouses, or against criminals by providing jails and penitentiaries. A democratic community cannot endure without adequate provision for the training of all its citizenship in intelligence, in character, in leadership and in economic efficiency. As a matter of life and death, therefore, the State undertakes to train its children. An educated citizen is a more valuable asset to the State than an ignorant one. He will produce more revenue and be less likely to become a liability. It is only on the ground of an investment — an economic necessity — that the State can justify the imposition of taxes for public education. Public education, then, is after all,

an exercise by the government of the police power, even if not so recognized by Spencer. It is in addition a great social and economic effort.

"The ability of this generation to recognize education as something larger than mere learning or even discipline, to perceive it as a great force moulding national character," is one of the wholesome signs of the times.

In the educative process certain well-defined and clearly established steps are necessary. Formal education begins with the elementary school and ends with the graduate school of the university. The great instrument for this training we call a system of schools. A school system, therefore, is a great social agent of the State, and the parts that compose the whole are simply sub-agents in one general educative process.

By common consent and general practice, Jefferson's scheme for a complete educational system for all the people has been adopted in this country. That plan provides for —

(*a*) Public elementary schools.

(*b*) Public high schools.

(*c*) The university.

In addition to these our system of schools in Virginia now includes normal schools and the group of technical schools — Virginia Polytechnic Institute and Virginia Military Institute.

Later I shall attempt to define the peculiar function of each of the several groups above named. For the present phase of the discussion of the subject, that of support, it will be sufficient now to observe that education in a State is really one thing, from the elementary grade to the graduate school. Each part, whether it be under State control or private control must, in the long run, relate itself to the system of public instruction. "Any effective school system must be an organism, instinct with life, growing and developing harmoniously in all its parts, each part receiving due portion of nourishment and life blood, and each performing its proper function in relation to every other part, and to the whole body. Any other conception can result only in waste of funds and disappointment in results. Each part must be a coöperating part and not a competing part." To organize, maintain and develop such a system should be the chief interest of the State which hopes for large developments, social and industrial.

"For the South as a whole 40 per cent. of the public revenue is devoted to the business of education. Clearly, then, education is the State's chief business." In Virginia, 35.8 per cent. of the total revenue in 1909 was expended for maintenance alone, exclusive of the amount spent for buildings and improvements which,

if added, would bring the proportion to over 46 per cent. These figures apply only to State revenues. Through local taxation a sum almost equally as large is raised for public schools.

V. State Requirements; Inequalities of School Burdens; State Aid

[Hill, Secretary Frank A., in the *62nd An. Rept. Mass. State Bd. of Educ.*, 1897–98, pp. 128–132.]

The State has been steadily pressing for the better schooling of the children. Better buildings, better teaching, longer schooling, high-school instruction for all, — these things are more and more strenuously insisted upon for the good of the children and the State, and without reference to the ability or inability of the towns to provide them. The State has taken the ground that the children must be properly schooled, whether towns have the means to school them or not. The interests of the children, and through them of the State, must be protected at all hazards. As a result, school legislation has imposed upon some of the towns burdens that, however heroically they are borne, are unquestionably excessive. . . . If the blessings of good schooling or the evils of bad were wholly local, and therefore of less vital interest to the State, it might well be questioned whether the State has a moral right to press the towns so hard in this matter.

But the youth of these heavily-loaded towns are forever leaving them, — the well-trained and noble-spirited to swell the enterprise and wealth of the rest of the State, the badly-trained and low-purposed to add to its cares and clog its progress. These depleted and weakened towns help the rest of the State far more than they hurt it; but, whether they help or hurt, the State's interest in their schools is real, great and abiding, — so real, so great, so abiding, that the people as a whole have invariably insisted not only on the right but the duty of the State to require good schooling in these towns, as in all other towns of the State. This insistence is expressed in its constitution, in its legislative history from the times of the Pilgrims and Puritans, and in the decisions of its highest courts, as well as in the spoken and written words of its wisest and most eminent citizens, but nowhere probably with greater force than in the struggle of the people as a whole to improve their schools. Indeed, it may be safely said that school legislation in Massachusetts, however exacting it may seem to be for some of the towns, distinctly lags behind public sentiment; it follows on

after, as it were, to clinch policies well advanced before it takes them up and makes them binding. The minimum length of schooling, for instance, heretofore required of towns under 4,000 inhabitants, has been six months. The law of 1898 raises it to eight months. It did not do so, however, until 202 of 251 towns under a population of 4,000 had voluntarily increased their schooling to eight, nine, and, in many cases, ten months.

It follows that the State, in making requirements beyond the ability of the towns to meet without excessive effort, is under some measure of obligation to ease their burdens, at least at the points of greatest pressure. This obligation has already been cheerfully recognized in various ways, — in the State reimbursement, in certain cases, of high school tuition and of additions to teachers' salaries, in the aid it gives to district superintendence, and in its distribution of the income of the school fund. These forms of aid are adapted to old conditions, but not to such new hardships as may have been created by new legislation. If such hardships appear, they merit considerate attention from the Legislature.

The policy of the State so far has been to legislate for such special cases of hardship and need as have impressed it most. Claims to their share in the income of the school fund have been generously waived by 99 towns and cities in favor of 254 towns that, in the aggregate, have seemed to stand in more pressing need of such aid. This income — so much of it as has been set apart for the towns — is distributed with due reference to valuation, tax-rate and the proportion of the amount raised by taxation which is expended on the public schools. For many years large numbers have thought that a State tax of a half mill or a mill, the proceeds to be distributed among the towns and cities on some basis of school attendance, would be an excellent measure, for the welfare of the schools. Two years ago such a measure passed both branches of the Legislature, but failed to receive the approval of the Governor. It was urged against it that towns might receive large sums from it without an additional dollar going to their schools; that well-to-do communities under it would be contributing to the payment of the bills of other well-to-do communities, — contributions the former would chafe to make and the latter to receive; that, in short, it was a measure to equalize general municipal burdens rather than special school burdens, and so was not what it purported to be, — a genuine educational measure. It was replied, on the other hand, — at least, by those interested in equalizing the school burdens rather than the general, — that the beneficiaries of the measure were in general anxious to improve their schools; that, as a rule they taxed themselves as heavily as they

ought in efforts to do so, — far more heavily, indeed, than the State as a whole; and that, if they received aid from a State tax intended to help their schools, they could be trusted to use that aid for the welfare of their schools. The help that well-to-do communities might give to other well-to-do communities was likely to be an incident, it was claimed, of any general legislation; it certainly has its parallel in every form of general taxation under which money raised by a whole is distributed in expenditure among its parts; and so, however preposterous such needless help might be made to look when isolated and viewed by itself, it should not be used as an argument against a policy that, viewed in a large way, bade fair to prove a beneficent one both for the whole that should raise the money and the parts that should receive the benefits thereof. Without giving at length the arguments for and against the measure, it is enough here to say that there seemed to be an irreconcilable difference of opinion as to whether the money raised under the measure would go to the schools or not. "The bill contains no guarantee to that effect," said one side. "No guarantee to that effect is necessary," said the other.

Inasmuch, however, as all parties have united in increasing the State school requirements, are sympathetic witnesses of the burdens these requirements have imposed upon many towns, and are practically agreed that the State should relieve such towns from a part, at least, of the load they must carry if they are to have good schools, though not agreed as to the best way of doing so, it is worth inquiring whether common ground cannot be found for a State policy that shall insure good schools where it gives aid.

* * * * * * *

The problem is a complicated one. A similar one, with fewer factors and of less difficult solution, was successfully handled in framing the law for distributing the income of the school fund. If the Legislature should direct an inquiry to be made by competent persons into the nature of this larger problem with special reference to suggesting legislation for its solution, it is by no means improbable that a measure can be devised of greater real help to the schools than the several helpful but partial measures now in existence, involving, doubtless, a greater expenditure by the State than at present, but imposing a less serious tax upon the wealthier places of the state than some of the propositions to which they have taken exception. . . . It should not be forgotten that Massachusetts stands almost alone among the States of the Union, in putting, with very modest exceptions, the full burden of the schools upon the towns and cities themselves.

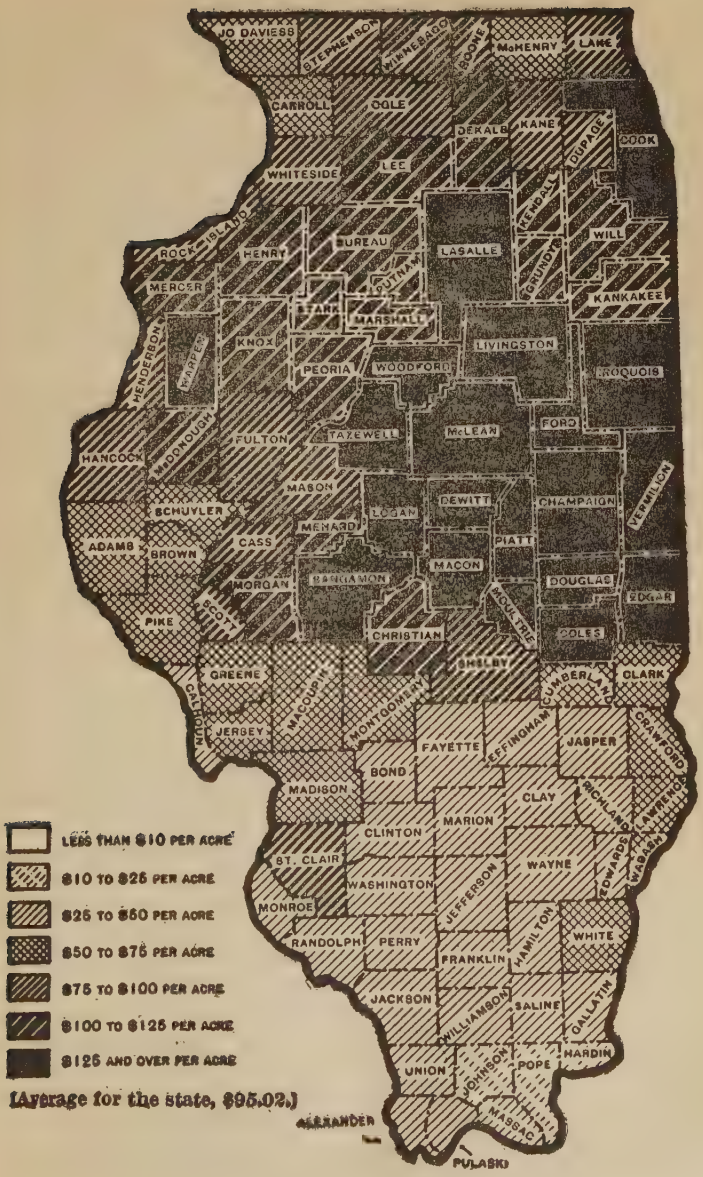
VI. Inequalities in Taxing Power for Schools in Illinois

[From an article by O. L. Manchester, on the proposed changes of the Illinois Educational Commission in relation to school revenues, published in the *28th Bien. Rept. Supt. Publ. Instr. Illinois*, 1908–10, pp. 493–499.]

No school revenue system is good enough for Illinois that does not tender every child eight months a year elementary instruction in an easily accessible and not over-crowded school taught by a teacher who not only earns but gets at least a legal minimum wage of $50.00 a month. No revenue system will be from now on quite good enough for the great State of Illinois unless it proffers every qualified boy and girl a free high school education. Illinois boys and girls are as good as those of Massachusetts, Connecticut, or Indiana, and there is no use in our hedging any longer upon this question. Any acceptable school revenue system must provide that this education be furnished and paid for by the local school unit if that be possible without excessive taxation; if not, that the State stand good for what is wanting. And, finally, all this must be done with the least possible inequality and injustice in the distribution of the burden. Now, how far does the present scheme for school support fill the bill?

It takes $480.00 to run a rural school in fair shape for eight months — $400.00 for the teacher and the $80.00 for incidentals. The ordinary school district is four square miles. It contains 2,560 acres. As the value of personalty runs for Illinois about one-fourth that of realty, we may neglect it in our calculations and count 3,200 acres. Now if land in the district is assessed at $6.00 an acre — the assessed being one-fifth of the real value — under the $2.50 tax limit for general purposes we can get just the $480.00 for our school. Such a district needs no aid if it taxes itself to the limit.

The conditions of our school revenue problem were set for us 40,000 years ago. In the southern end of our State, covering largely seven counties, reappearing also in the elevated northwest corner in Jo Daviess, and in Pike and Calhoun to the west, is an area untouched by glaciation. Land in four of these ten counties is assessed and equalized at $2.50 an acre and in all but one of the others at $5.00 or less. South and east of the Kaskaskia river and so far north as to include Clark and Cumberland, with Bond and Monroe just across the river, is the lower Illinois glaciated area. The equalized values here vary from $3.50 to $5.50 per



Farm Land per Acre, in Illinois, by Counties: 1910.

acre. In all the rest of the State the figures run from $6.00 to $16.50. There are then thirty-six counties in Illinois where land values are so low that rural districts of proper size, if without railroads, cannot expect without State aid to support in good shape their schools. Just what do such counties do?

In Alexander, Clay, Effingham, Jefferson, and Wayne counties, land is assessed at $4.00, men's wages average $45.59, women's $35.58; school keeps 6.7 months, and the average enrollment is thirty-nine. The district varies from 4.4 square miles in Jefferson to 7.7 square miles in Alexander. The school tax averages $1.86.

In Franklin, Hamilton, and Massac counties, land is valued at $3.50, the district averages five square miles, school runs seven months, the average enrollment is fifty-five, the tax rate $1.86, wages $39.00 for men, and $35.50 for women.

In Hardin, Johnson, Pope, and Pulaski, land is $2.50, which would mean a maximum school tax of $200.00, did they not put 5.6 square miles into their districts. They run their schools six months, the enrollment averages forty-four, the school tax is $2.23. They pay men $40.00 and women $34.00.

Now let us come to the best farming sections of the State. In McLean county land is assessed at $16.50, in Livingston and Logan at $16.00, in Champaign, Ford, Piatt, and Woodford, at $15.00. The maximum tax obtainable is from $1,320.00 to $1,200.00. The district is 4.4 square miles, the school year eight months, the average enrollment twenty-three, the tax rate $1.30. Men get $63.90, women $45.76. Comparing the twelve southern counties with these seven in central Illinois, we find that in the latter school runs one-fifth longer, the men's wages are one-half and women's wages one-third higher, but that in the southern schools the enrollment is twice as great, while the tax rate is fifty per cent higher. But it will not do to rely too implicitly upon averages. Mark Twain's watch averaged well, but never was right, and we have heard that a donkey got drowned once upon a time in a stream that averaged eight inches deep. And this comparison of tax rates, obtained by dividing aggregate county school levies by total county assessed values, under-states the inequality because of the greater number of villages and cities with their higher rates in central Illinois. Eliminate from the calculation for McLean county, for example, twenty-five city and village districts, whose rates average $2.19, then average the remaining 240 rates appearing on the county clerk's books, and we get a purely rural school rate of seventy-three cents. Indeed the average of all actual rates for McLean county last year was only eighty-six cents; in Livingston, ninety cents for general purposes, in Logan ninety-two, and in Piatt $1.18.

Now as in Hardin, Pope, Johnson, and Pulaski counties there are only two cities and only three villages of 500 people or more, their rate of $2.23 is essentially a country school rate. It is safe to say that in that poorer Illinois, school rates are two or three times as high as here, although for their money they are getting shorter terms, crowded schools, poorer instruction, and almost no high schools.

But poorer Illinois is not all in the southern end of the State; it is scattered all through the State. And again, neighboring districts anywhere vary much in size with consequent differences in tax rates. And, finally, the presence or absence of railroads and of cities and villages has an important bearing upon tax rates. When these things conspire in their operation the result is truly interesting. As samples of high rates, may be quoted these from Sangamon county for this year: $1.90, $2.00, $2.50, $2.45, $3.30, $2.00, $3.20, $3.20, $1.85, $5.00, $3.30. As samples of low rates may be quoted these from the same county: 65, 55, 66, 55, 64, 57, 64, 46, 62, 64, 40, 66 cents.

In Morgan county last year one rate was below 25 cents; fourteen were between 26 and 50 cents; twenty-six between 51 and 75 cents; thirty-three between 76 and $1.00; eighteen between $1.01, and $1.25; ten between $1.26 and $1.50; four between $1.51 and $1.75; eight between $1.76 and $2.00; two between $2.01 and $2.25; and one between $2.26 and $2.50. The average was 98 cents. In Edwards county there was none below 25 cents, but for the next nine classes above the number of rates ran successively, 1, 5, 16, 11, 9, 3, 2, 1, 4; and one rate was $3.70; another $4.20. The average rate was $1.36.

There is a little district in Macon county, District No. 32, Hickory Point Township, just north of Decatur, which is one-fourth regular size, one-half mile wide and two miles long, Its school rate last year was $2.58. In Mt. Hope township, McLean county, there are two big country districts, each containing nine or ten square miles. They levied $500.00 and $350.00 last year respectively, and their school tax rates were 38 and 26 cents. The adjoining township of Funk's Grove contains two more such excrescences; their rates last year were 32 and 17 cents. A few years ago I went into the county clerk's office at Clinton, DeWitt county, to look through the tax books. The first township I struck was Tunbridge and the first districts therein Nos. 75 and 76. No. 75 was of ordinary size and was blessed with a railroad that furnished one-third of the total valuation. It levied $400.00 last year and got off with a rate of $1.10. No. 76 was small and hilly and had no railroad. It levied $50.00 less, but got a rate of $2.46, or two and

one-third times as great. Compare this rate of $2.46 in District 76, DeWitt county, with that of 26 cents in District 5, in the adjoining county of McLean, both rates producing the same sum, or $350.00, but the one rate nine and one-half times the other. The railroad situation as affecting school tax rates deserves a few complementary, or complimentary, remarks. The railroad assessment per mile of main track in Illinois averages $8,452. For purposes of our calculation this should be reduced somewhat. Suffice to say, that a stretch of railroad one and one-half miles long, in a school district where land is assessed at $2.50 an acre may easily double and more the total valuation and thus halve the tax rate. Where land is $4.00, a similar stretch would reduce the rate fifty per cent. In DeWitt county, where land is $11.00 an acre, the railroad valuations in such districts as have railroads average about one-sixth of the total valuations. Is it right that a school district should escape with a fraction of the rate its neighbors have to pay because it has a railroad and they have none? A strip of land, sixty-six and two-thirds feet wide and one and one-half miles long, or 100 feet wide and one mile long contains twelve acres. At an average Illinois price its assessed valuation would be $114.00. As railroad right of way it may easily be $10,000.00 to $15,000.00 or even $20,000.00.

There are 2,600 miles of railroad in those thirty-six counties of poorer Illinois and about 3,000 school districts, of which, perhaps, one district in four has any railroad in it. Probably of the 3,000 school districts about 750 are helped by the presence of railroad property beyond the point of serious need so far as elementary schools are concerned. The other 2,250 get no such help.

Finally, the State's distribution of $1,056,971.31 annually among districts according to minor population means 50 cents perhaps per child, or possibly $1.00 per child actually enrolled, and may bring some southern Illinois districts $50.00–$60.00 annually. The benefits accruing from township and county funds and from fines and forfeitures are of some moment, but are so fortuitously scattered that it would be guess work to speculate about them. It seems probable, however, that of the 3,000 districts in poorer Illinois fully 2,000 in spite of all adventitious aids cannot get even by taxing to the limit the $480.00 apiece that the support of a good school demands. They still need help, from a little up to $280.00 each or in the aggregate — though it must be a guess — about $300,000.00.

So far we have been talking of the adaptation of the school district system to the financing of isolated elementary schools alone. Anything like adequate supervision is financially impracticable. It is when we come to the rural high school question, however, that the district system breaks down completely. In the

past in cities and villages the high school has indeed seen a remarkable growth. But as to rural communities it is only when the district organization is discarded for what is essentially the township system, that they get high schools at all. Out of the 240 rural districts of the greatest and richest farming county of the State, only four or five could get, even by taxing to the limit, $2,500 for the support of a high school.

Such, then, are the short-comings of our present school revenue system. How far would the proposals of the Educational Commission remove them? The most pertinent proposals of the commission are two: To substitute the township for the district system; and to restore the two-mill tax.

To make the township the unit for school purposes would equalize tax rates as well as school opportunities within townships. The big district and the small district, the poor land and the best land would all pay the same rate. That large district in Funk's Grove, for example, that paid 17 cents last year, would under the township system with all the other districts have paid 43 cents. It might continue, if desirable, a big district, but it would not for that reason escape, comparatively, taxation for school purposes. Of course no criticism of the farmers of that district is intended. They are among the most progressive in America and would be the last persons in the State to wish to escape any proper burden. It is the system that is criticised and that causes the inequality. The injustice arising now from the unequal distribution of railroad property among districts would entirely pass away, though it would still remain as among townships. The larger the school unit, however, the smaller the chance of inequality. This inequality among townships and counties will demand eventually a sweeping change that it is the function of a revenue commission rather than of an educational commission to suggest — a separation of the sources of State and local revenues. When that time comes the railroads will be relieved from all local taxation whatever, and will pay a per cent of gross receipts or the average State rate for all purposes calculated upon their assessed and equalized valuation, directly into the State treasury. The latter method would undoubtedly be both fair and constitutional and would net the State nearly six millions annually. The State tax could then be done away with and realty and some personalty left to be taxed, as in Pennsylvania, for local purposes only. Until this is done injustice must continue. Hardin and Calhoun counties have no railroads at all. Madison, because it lies in the direct way of lines making for St. Louis, has twenty-one. Cook has more than twice that number. The railroad valuation alone of Madison county is greater

than the total valuation of all property in any one of twenty-seven counties in Illinois; and the railroad valuation of Cook county is nearly twice that of all the thirty-six counties of our poorer Illinois combined.

The adoption of the township as the school unit would open the way for the culminating expanse of the high school system. Where land is assessed at $10.00 an acre even country townships could spare $3,000.00 for high school purposes and still keep within the present tax limit. In the poorer townships — such say as have not a total assessed valuation so great as $300,000.00 — the State should help maintain high schools, the help extended to vary inversely with the total assessed valuation of the township, and directly with the tax rate levied by the township itself for the maintenance of its schools. Possibly 800 of the townships of Illinois might require such aid to the extent of an average of $1,000.00 each, or in all $800,000.00. In some cases two townships could unite to support a school. In exactly the same way the cost of adequate supervision of both elementary and high schools should be shared by the State. This might take $500,000.00 annually.

It is important that everybody understand exactly how the adoption of the township system and the establishment of high schools would affect tax rates. Let us take an illustration. Take Aetna township, Logan county. The approximate assessed values, the actual levies, and the rates resulting were last year as follows:

District Number	Approximate Valuation	School Levy	School Rate
8	$90,000	$ 475	$ .54
9	65,000	400	.63
10	90,000	1,200	1.60
11	40,000	450	1.12
12	47,000	600	1.30
13	60,000	600	1.00
14	43,000	500	1.18
15	47,000	400	.85
16	62,000	550	.88

One or two of these districts are partly in another township but this may be neglected in the calculation. No. 9 contains a railroad, which furnishes about one-fifth of its valuation; hence the low rate — 63 cents. Districts 11 and 12 are about the same size as 9 but contain no railroad, and, with somewhat higher levies pay rates of

$1.12 and $1.30. District 16 owes its lower rate to its larger size. District 10 contains the little village of Chestnut and the levy, $1,200.00, valuation, and rate, $1.60, suggest the struggle that the average village undergoes when population is increasing faster than property.

The eight purely country districts in this illustration are paying an average tax rate of 91 cents. Their levies range from $400.00 to $600.00 and average a little less than $500.00. Their tax rates, because of varying levies, the different size of the districts, or unequal distribution of wealth, or the presence of railroads in some districts, range from 54 cents to $1.30.

Now suppose we adopt the township system, what will be the results? The total valuation being about $534,000.00 and the sum of the levies being $5,175.00, with no increase for school expenditures the burdens of all would be equalized at a rate of 96 cents. Would not this rate be fairer than nine different rates varying from 54 cents to $1.60? Now let us add $2,500.00 for a high school, with two assistant teachers, and a superintendent who will supervise all the schools of the township. The tax rate becomes $1.44. The farmer who owns 200 acres of land, assessed at $16.00 an acre, the usual value in Logan county, before the township system was adopted paid, at the average, $29.12; now he pays $46.08, or about $17.00 a year more school tax. The illustration is typical.

With the adoption of the township system should come a compulsory high school law. Even if the courts eventually sustain the State Superintendent's interpretation of the recent high school act, whereby we have accidentally, or providentially, a free high school law, yet this solution of the problem is not wholly satisfactory and can be only temporary; the payment of a student's tuition away from home does not give him a school that he can call his own, and is calculated to confine free high school privileges to such as can afford to pay for board and lodging in town. I can see no reason, excepting one of policy, for the exclusion of places of 1,000 or more under boards of education, from the contemplated township organization for school purposes. Such places either contain high schools now, or the nuclei for high schools. In the majority of cases to establish a township high school elsewhere than in such a village, city, or incorporated town, if such be accessible, would surely seem unwise and not economical. If the farmer's tax rate is low now it is because he hasn't been getting much. It should be somewhat higher and he should get vastly more. In southern Illinois for elementary schools alone farmers are paying higher rates than would be needed here for both elementary and high schools. If there is anybody on earth taxed less in proportion

to ability to pay than the farmer of the corn belt, I do not know who it is.

The Educational Commission has voted to recommend the restoration of the two-mill tax. Let us see just what this means.

By the free school law of 1855 it was provided: "The common school fund of this State shall consist of such sum as will be produced by an annual levy and assessment of two mills upon each dollar's valuation of all the taxable property in the State; and there is hereby levied and assessed annually . . . the said two mills." The same statute provides that six per cent interest upon funds received from the federal government for the support of common schools and upon the amount of the surplus revenue distributed to Illinois in 1837 shall be part also of the said fund. It is said that this provision of the law of 1855 providing for this fund to be raised by an *ad valorem* tax upon all the wealth of the State and distributed according to population and area, put the bill through the Legislature and kept it from being repealed. It made the bill acceptable where it would have been weakest — in the poorer sections of the State. By the first distribution every county but two in what we have called poorer Illinois got more out of the fund than it paid into it. And this state of affairs holds true without exceptions to-day. The two mill tax brought in $607,000.00 this first year, averaged $687,000.00 for the next twelve years, and by 1872 was running about $900,000.00. At that time the school law was re-written and into the rewriting crept a change that has proved of serious importance. The section providing for the distributable fund was made to read, " . . . the proceeds of a two mill tax to be levied . . . annually, unless otherwise provided by law." The very next year the Legislature proceeded to levy the lump sum of $1,000,000.00 " in lieu of the two mill tax," a practice which has been since kept up. At the time when the change was made in the law the tax was bringing in only $900,000.00 annually but now it would mean nearly $2,500,000.00 a year, even though property is actually assessed at seventy per cent of one-fifth of the real value.

By the terms of a revenue law of 1855 the rate to be levied for general revenue purposes annually thereafter was one and one-fifth mills. From 1873 to 1888 the average levy for general purposes was $1,600,000.00. Since 1895 the amount levied for general purposes has risen rapidly, until it is now $5,000,000.00 a year, with receipts from fees, insurance and inheritance taxes, and from the Illinois Central aggregating $3,000,000.00 more. The school levy remains $1,000,000.00, which with $56,937.31 interest constitutes the distributable fund. Once, one and two-thirds the

general levy, the school levy is now but twenty per cent of it, or twelve per cent of all general revenue receipts. Once the State paid more than the local political units for the support of the common schools; now it pays about three per cent of the total amount. Within the last thirty-five years population has doubled, our school enrollment increased fifty per cent, the wealth of Illinois has multiplied by four; young men have married and grown old; the sons born of their sons are now in the schoolrooms; but the distributable fund remains the same. New stars have been discovered in the heavens above, new elements in the earth beneath, but the State of Illinois now, as thirty-five years ago, is still distributing annually, to her common schools the paltry sum of $1,056,937.31. The change the commission recommends would increase the average $5.71 Illinois tax rate hardly more than one-fiftieth. If you pay $50.00 now; then you would pay $51.00. It might cost the people of Illinois 30 cents apiece—less than they pay for soda-water and gum.

We believe in the restoration of the two mill tax because the tax is right in principle. To some extent surely, all the wealth of Illinois is responsible for the education of all her children. The proposition of the commission is that the State take a one-thirteenth interest in the enterprise. We believe in this larger fund because it is needed to help pay a reasonable minimum wage and the other expenses for elementary education in poorer Illinois, to aid teachers' institutes, to encourage expert supervision in townships, to help build township high schools and extend the opportunities of secondary education to every boy and girl in the State. The farmer's vocation is necessary to society and he must be permitted to engage in it without sacrificing his children.

As already indicated I believe that the plan for distributing our school fund should be changed. Surely so long as our fund remains so small not one cent should go anywhere excepting where it will do great good. What do we need of your distributable fund in McLean county, where our rural school rate is 73 cents, where we can build a million dollar court house, or $75,000.00 ward schools? Contributed according to abilities, this fund should be distributed according to needs. Townships with a total assessed valuation high enough so that they can get all necessary school advantages with a school tax rate of $2.00 or less should get none of the fund; the distribution among the remaining townships should vary inversely as the total valuation of property and directly as the rate levied for school purposes by the township itself. Even Heaven helps only those who need help and who help themselves, Massachusetts likewise. Who will doubt the wisdom of a plan followed both by Heaven and by Massachusetts?

It may not be out of place to mention here that the greatest burdens of taxation proportionately, are stood by the poorest section of the State — this notwithstanding that there are more cities and villages farther north. The last report of our auditor shows the three highest county aggregate rates to have been: Hamilton, $9.92; Gallatin, $8.04; Jackson, $7.87. Of the thirty-one county rates above $5.00, sixteen belonged to the one-third of the counties southeast of the Kaskaskia.

The adoption of the township system, the restoration of the two mill tax and its proper distribution, if accompanied by a minimum wage law, will remedy, in the main, every most glaring injustice in the workings, if not of our revenue system, at least of our school revenue system. We shall have then a logical system — not one that "just growed." If there has been chaos as to school revenue matters in the objective world, it has been because of a chaos in the brain of the schoolmaster. Until the labors of this commission, the school teacher had not thought the thing out. Hitherto we "have seen as through a glass, darkly; now, face to face." How long shall the education of an Illinois boy, his chance in the race of life, depend upon the price of land per acre in the county where he is born, or upon the track of a glacier made 40,000 years ago?

In the public schools of Illinois must be amalgamated the children of a score of nationalities. Not of the same race, they must be made to be of the same mind. From the slums of Chicago, or from the wharves of Cairo, the State of Illinois will not hesitate when need be to call them forth in her defence to spill their blood or risk their lives. Them too, Illinois will entrust with the sacred ballot and them she will expect to be able to solve the intricate political and social problems of an increasingly complex civilization. To them Illinois owes a duty commensurate with what she expects of them. Then Illinois must educate, if not for their sake, then for her own. If this great experiment in democracy goes down, it will be for lack of sufficient elementary and high school education of the right sort. And such an education is after all largely a matter of revenue. Good revenue systems have done much to make, and bad to unmake great states. Our liberties, which have been won in battles over taxation during the last thousand years, are to be preserved in struggles of the same sort. It is to-day for the teachers and the people of Illinois to tiptoe a little, look over and beyond the hedges of all narrow and individual and class interests, stop trying to preserve the obsolescent, and unite to give Illinois an adequate school revenue system.

CHAPTER XVIII

APPORTIONMENT AND SUBSIDIES

Much has also been written on this question, and only a few of the more important extracts and laws are here reproduced. The first extract sets forth a condition as it existed in Michigan in 1910, and is illustrative of the inequalities in distribution naturally arising under the census basis of apportionment. It also illustrates a peculiar condition which might easily arise in any state using this basis if the funds for school support were materially and rapidly increased. The second is a good statement of the inequalities existing under the census basis of apportionment, illustrated from conditions in Ohio. The third is a good statement of the fundamental principles which ought to prevail in arranging laws for the apportionment of public funds for education.

I. Distribution of State School Money in Michigan

[From the *Rept. Supt. Publ. Instr. Mich.*, 1909–1910, pp. 40–44.]

CONDITIONS IN MICHIGAN

The fact that, in the future, from four to five millions of dollars will be apportioned annually,[1] leads us to inquire whether this money is being distributed in such a manner as to give the people of the State the greatest possible benefit. The question of its equitable distribution is a serious one indeed when we study existing conditions.

Michigan is a state having very diverse conditions. The wealth of the people varies and the population is unevenly distributed. Some parts are exceedingly wealthy, others very poor. The townships in the southern part vary in valuation, some having a valua-

[1] This will amount to from six to seven dollars per census child.

tion as high as $4,000,000 while in the northern counties are townships with a valuation of $3,000 or less. In the southern part of the Lower Peninsula, we have nearly a thousand districts each having a school population of fifteen or less children. The average attendance at school in these districts is not more than eight pupils, and many maintain only five months of school. Through the central part of the Lower Peninsula, where a splendid agricultural district is being developed, are good-sized school districts and a large school population. Generally, in the northern part of the Lower Peninsula we find a scattering population, low valuation of property, and great difficulty in maintaining schools. In the Upper Peninsula, the population is more generally gathered in villages and cities, although in recent years the agricultural possibilities are being rapidly developed. There are single rural school districts in the Lower Peninsula whose valuation is $1,500,000. There are other school districts in the Lower Peninsula with a valuation of less than $1,000. In the counties of Oscoda, Crawford, Montmorency, Kalkaska, Roscommon, Clare, Lake, and Newaygo, is found a scattered population and a very low valuation of property and with this, many times, but few families to compose a school district. It is extremely burdensome to those people to raise a school tax sufficient to support their school and, having but few children, they get but a small amount of the primary school interest fund, hence it is extremely difficult to maintain a school in these districts even for five months, as the statute requires.

THE SCHOOL CENSUS BASIS

The distribution of the primary school interest fund at present is based upon the school census of the several districts as taken by the school directors, or under the authority of the school boards, during the fifteen days prior to the first Monday in June of each year. Fifty per cent of the census lists sent to this Department have to be returned for correction. In some cases we have been obliged to order a new census because of inaccuracies and because of violations of the law in including persons not entitled to be included. These inaccuracies are found in city, village, and rural districts, but from the nature of the case it is more difficult to secure an accurate school census in cities than it is in rural districts. In many places the enumerators appointed to take the census have been persons entirely unaccustomed to clerical work and especially unaccustomed to the arduous task of securing an accurate census. In one instance, the census was taken by a girl sixteen years old. In other cases, the census was taken by persons under

the direction of a school officer who could neither read nor write. In some of our larger cities the Department has been obliged to require a large number of names to be stricken from the lists because they were illegally included. It is a well known fact that people are constantly moving from one ward to another, from one city to another, from one district to another, and it is clear that school officers are unable to secure an accurate school census.

All these things make it clear that to base an apportionment of school funds upon the school census renders some districts liable to receive less money than they should and others liable to receive more money than that to which they are justly entitled. In the same township one school district has a large census and an adjoining district a very small one, but the fact that the school population varies is no reason why the public school in each district should not be thoroughly and amply supported, and yet, with the present method of apportionment, the district with a large census receives a large sum of money, the adjoining district with a smaller census receives less money, though the latter may be really deserving or really in need of more money than the first mentioned district. This condition of things prevails in every township of the State of Michigan, as reports to this Department clearly show. If the State is to assist in the support of the public schools, every district should receive the same treatment at the hands of the State. There is no reason why the children in Clare county, Crawford county, or any other county in the State, who live in the rural districts, should not have as good educational opportunities as are enjoyed by the children of the cities and villages. The Department each year receives letters from parents and taxpayers in different parts of the State, particularly in the northern portion of the Lower Peninsula, requesting that something be done that they may have a school and their children receive an education. One parent wrote that he had a family of eight children, the oldest seventeen years of age, that he was eight miles from a school, and not one of his children had ever attended school a day in his life. We sometimes are so engrossed with the consideration of how great we are and what a fine school system we have that we forget that many children even in the great State of Michigan are practically deprived of school privileges, whereas if the funds were more equitably distributed, or if the State Superintendent had authority to use the surplus of these funds in some of these specific cases, very much better results might be attained.

METHODS OF APPORTIONMENT

The problem of apportioning the primary school interest fund in Michigan is one of the greatest problems, in my judgment, before the people at this time and one that deserves the most careful and conscientious consideration.

The statutes provide in Section 4676 of Compiled Laws, that the primary school interest fund shall be used for teachers' wages only, and in Section 4665 the one mill tax shall be used for teachers' wages until the district has maintained eight months of school. If there is a surplus of one mill tax after having maintained school for eight months, such surplus may be used for general running expenses of the school. There are rural school districts in the State which have from $500 to $5,000 of primary school interest fund on hand which has accumulated during recent years and which cannot be used for anything but teachers' wages. The apportionment of primary school interest fund for the year 1905 was $3.30 per capita, and the reports to this office show that with this rate of apportionment over 300 districts received more primary school interest fund than they expended for teachers' wages, to say nothing of the one mill tax, and that 1,700 additional districts received more money from primary school interest fund and one mill tax than was expended for teachers' wages. In 1907, 1,296 school districts in the State received more primary school interest fund alone than they paid for teachers' wages, and 3,297 districts received from the primary school interest fund and one mill tax an amount equal to or greater than the amount paid for teachers' wages. In July, 1908, there were 1,054 school districts in the State having enough primary money on hand to pay the teachers for two years.

There are 7,330 school districts in the State and, of this number, more than 1,000 districts receive so small an amount, because of the small number of children, that it is of practically no benefit whatever, and these people are obliged to support their school by the one mill tax and the direct taxes levied upon the district. It appears to me, therefore, that the present method of apportioning the primary school interest fund is absolutely unjust and inequitable. I am convinced that the people of the State are practically a unit in favor of the proposition that the primary school interest fund shall be used for teachers' wages and tuition only and also that a very large number of our people have no objection whatever to the levying of the one mill tax under the statutes of the present time, which provide in Section 4705 of the Compiled Laws, as amended in 1905, that when a district has on hand a sum equal to or greater than the amount paid for teachers' wages the one mill

tax shall not be levied on that district. In some instances, districts have been laying aside a sinking fund for building purposes, but generally the balance on hand is composed almost entirely of primary school interest fund and one mill tax. Where the census is low and the valuation high, the surplus will be largely one mill tax. Where the reverse is true, the surplus is largely primary money. The present system of apportioning, makes it possible for some districts to have on hand a large amount of primary school interest fund which is not used, and this money is simply tied up and does no one any good, while other districts are really suffering because of lack of funds with which to maintain even five months of school. From the standpoint of the State, such unequal conditions ought to be adjusted, because the school exists for the children and their interests ought to be safeguarded by the State at every point. The question is, what plan of distribution of this money will be for the best interests of our schools.

STATISTICS SHOWING AMOUNT OF PRIMARY MONEY ON HAND IN CERTAIN DISTRICTS

COUNTY	TOWNSHIP	DISTRICT	TEACHERS' WAGES FOR YEAR	PRIMARY MONEY ON HAND JULY, 1909	ENOUGH TO PAY TEACHERS FOR
Clinton	Westphalia	No. 2	$380.00	$8,544	22 yr.
Clinton	Westphalia	No. 3	225.00	2,826	12 yr.
Isabella	Nottawa	No. 2	414.00	3,793	9 yr.
Saginaw	Frankenmuth	No. 3	300.00	3,000	10 yr.
Saginaw	Frankenmuth	No. 2	395.00	2,574	6 yr.
Saginaw	Maple Grove	No. 1	240.00	1,887	7 yr.
Saginaw	Maple Grove	No. 2	304.00	2,307	7 yr.
Bay	Hampton	No. 2 fr.	405.00	3,476	8 yr.
Bay	Beaver	No. 1	504.00	3,782	7 yr.
Bay	Portsmouth	No. 2	522.00	5,892	11 yr.
Bay	Williams	No. 1	450.00	3,713	8 yr.
Huron	Sebewaing	No. 3	450.00	2,960	6 yr.
Huron	Sebewaing	No. 4	382.50	2,576	6 yr.
Allegan	Salem	No. 6	440.00	1,937	4 yr.
Montcalm	Montcalm	No. 6	405.00	1,684	4 yr.
Montcalm	Douglas	No. 4	360.00	1,411	4 yr.
Kent	Byron	No. 7	405.00	1,622	4 yr.
Kent	Grand Rapids	No. 11	810.00	3,051	7 yr.
Tuscola	Columbia	No. 5	342.00	2,337	6 yr.
Tuscola	Columbia	No. 2	365.00	2,065	5 yr.
Tuscola	Denmark	No. 6	405.00	2,092	5 yr.

The purpose of legislation on this subject is to secure the greatest good to the greatest number, and alleviate the extremely trying conditions in hundreds of school districts of the State of Michigan without distressing any single district.

II. The Distribution of School Revenues

[From the *Report of the Ohio School Revenue Commission*, 1907, pp. 41–45.]

Important as is the raising of sufficient school revenues, the distribution of such revenues is even more important. Granted that we are able to "raise the money," and that we have "raised the money," the next important question is how to distribute this money so as to accomplish best the real purpose of public education.

Taxes and all forms of public revenues are designed primarily to promote the public good. We have systems of government, local, state, and national, as the machinery necessary to carry out the will of the people in this respect. Government is for the people as a whole rather than for the individual apart from his relations to the whole. The beneficent effects of popular education raise the standards of the citizenship of the whole State by raising the ideals and efficiency of individuals. As a means of self perpetuation, therefore, the State must provide means for raising and maintaining such standards of efficiency as will effectually permeate the whole citizenship. The matter of popular education is not one of personal privilege. Wealth cannot rightly buy immunity from its just share of the responsibility in providing educational advantages for even the most unfortunate or improvident. Education and the consequent advances of civilization make wealth possible. But the wealth of a man in Chicago may be all produced by labor of men in Colorado, or by the mere environment of property in Wisconsin. If wealth has any particular locus, it ought to be where it is produced, rather than where its possessor happens to reside. Wealth should be levied upon wherever it is found to make better the educational advantages of those whose work and citizenship make that wealth possible. The State, then, owes to every child within its borders equal educational advantages up to a minimum standard of efficiency. A child in the poorest section of the State has as much right to this minimum of training as the child of the wealthiest man within the State's borders. The geographical distribution of wealth has no vital relation to the problems of universal education.

Our present system of distribution of the State Common School Fund in Ohio is almost the poorest that could be devised to accomplish the purpose for which it is supposed to be maintained, — to equalize the burdens of taxation for school support. In brief, it is as follows: One mill is levied equally on all the listed property of the State. This amount, $1 on every $1000, is paid to the county treasurer and the whole amount so collected by him is paid to the state treasurer, and this collective sum is known as the State Common School Fund. Until 1906 the county treasurer retained 1 per cent for collecting the tax. The state treasurer, on the warrant of the state auditor, showing the total enumeration (unmarried youth between 6 and 21) in the county, pays back to each county treasurer an amount determined by multiplying $1.70 by the number of school youth enumerated in the county. This total is then distributed among the various township, village, special and city districts in the county on the basis of the school enumeration. The rate of distribution, $1.70 per enumerated pupil, is determined by the legislature by computing the amount of tax that will likely be raised by the levy of one mill and dividing this amount, plus any accumulated balance, by the number of school youth enumerated. This amount per enumerated pupil, $1.70, was raised to $1.75 for 1907, due to the fact that the valuation had increased faster than the school population. The rate fixed by the legislature is to be understood to be the minimum rate and the state auditor has the right to increase it if there is sufficient balance to warrant such increase. For more than 30 years prior to 1904 it was $1.50, which occasionally was advanced to $1.55. Yet for a number of years prior to 1904 a balance was allowed to increase until it reached $318,078. Just why would be hard to tell, but this balance in 1904 made it possible, after a warm fight in the legislature, to advance the *pro rata* distribution to $1.70, and it is not likely to fall below that again.

It will be noticed from the tables that all but $213,000 of this $2,163,000 raised in 1905 went back to the counties paying it in. There was, therefore, no State aid in so far as the remaining $1,950,000 was concerned.

But this system of distribution is manifestly unfair if the claim for it is, that it will help weak communities to reach the minimum of educational advantages which the State must make possible if it is impossible for the community to do so itself. For example, there is Cleveland, with a large foreign population over 14 and under 21. These people are enumerated but they are not enrolled and are not receiving instruction. In 1905 Cleveland enumerated 114,393 school youth, but the average daily attendance was only

52,102 or 45 per cent of the enumeration. This means that Cleveland is drawing $1.70 per pupil for 62,291 children who are not receiving daily instruction, or $104,894.70 for children who are not being taught. If these 62,291 children were in school, it would require 1,557 more teachers at 40 pupils to the teacher and would add about $1,600,000 to the annual cost of the schools, supposing these pupils were all enrolled in elementary schools. The city would also find it necessary to build more school houses, and have $9,000,000 more invested in school property. This extra $104,894.70 which Cleveland draws annually from the State Common School Fund, and for which the city gives the State nothing in return to these 62,291 children, raises the average received per pupil actually in daily attendance to $3.73. But take any town or city in which the average daily attendance is higher and quite a different result will be obtained. There is Painsville, not far from Cleveland. The enumeration in 1905 was 1,371 and the average daily attendance was 932, or 68 %. Painsville received $1.70 per pupil enumerated, or $2.50 per pupil actually taught, as against $3.73 per pupil actually taught in Cleveland. This discrimination of $1.23 per pupil actually taught gives Cleveland $64,085.46 more than the city would be entitled to on the basis the State is aiding Painsville. In Cincinnati the amount the city receives from the State per pupil actually taught is $6.51, or $137,683.35 more than that city would be entitled to on the Painsville basis.

When we take the cases of the smaller town and rural communities, the discrimination is still greater. The State School Fund was originally provided for in 1853 with the thought that it would equalize the burdens of taxation, but investigation clearly and conclusively shows that the system extends the greatest favors to the populous centers where there is always more wealth per capita, and consequently, where the people are better able to help themselves or make ample provision for their schools without state aid. Here, for example, is Portsmouth, Ohio, on the opposite side of the State. The enumeration for 1905 was 6837 and the average daily attendance was 2812, or only 41 % of the enumeration. The city is drawing money from the State Common School Fund for the 4,025 children of school age not in average daily attendance, at $1.70 per pupil, or $6,842.50 — enough to pay 13 teachers $525 each. The amount Portsmouth received from the State was really not $1.70 per pupil, but $4.13 per pupil actually taught. Instead of encouraging communities to provide educational opportunities for all the youth, such a law encourages a community to enumerate as many youth as possible and enroll as few as possible — encourages the non-enforcement of the com-

pulsory attendance law. Of course, it is well understood by all that a large percentage of youth not enrolled are beyond the reach of the compulsory attendance law. But the contention of the writer is that the present method of distribution of the State Common School Fund is inequitable, unfair, and lacks the essentials of giving an educational incentive to local communities. No premium is placed upon the universal education of the people, but rather upon the lowest average enrollment and attendance. It is quite well understood, too, that many cities having a low percentage in actual attendance have many enrolled in private schools. But such communities ought not to be given such State aid or share in the distribution of the State funds as will actually encourage those communities to foster other than public schools with State funds. A city or community should not receive money for the education of children whom it is not educating. This brings us to the conclusion that State funds ought to be distributed on the basis of the number of pupils actually taught, — the average daily attendance rather than upon the basis of the school census.

This conclusion is reenforced by a careful study of the statistics of the cities compared with each other and with those of villages and rural communities. Here is a table compiled by selecting the names of cities, villages and townships at random over Ohio. In the case of villages and townships, only those have been selected that maintain high schools, thus placing them as nearly as possible on the plane of the cities, so far as educational advantages are considered.

A study of these tables will make clear the present discrimination in favor of the larger cities in the matter of the distribution of the State Common School Fund. The twelve cities listed in this table, chosen at random, average $3.64 per pupil taught, while the eleven villages average $2.03 per pupil taught in their sharing of the State Common School Fund. The enrollment of non-residents in the villages accounts for their lower value. This means that the twelve cities average 80 % higher than the eleven villages. But this is not all. The average tax levy for school purposes is much lower in the cities than in the villages and townships, showing that they are relatively much better able to maintain their schools without aid than the villages and townships. For example, Cincinnati, with a levy of but four and one-eighth mills, received from State funds $6.51 per pupil taught, while the villages and townships averaged but a little more than two dollars per pupil taught, with many of them levying twelve mills and upwards. This same discrimination is noticed when one compares

Locality	Per Cent of Attendance on Census	Real Value of State Grant of $1.70
1. *Cities.*		
Cleveland	45	$3.73
Cincinnati	26	6.51
Painsville	68	2.50
Ashtabula	63	2.71
Martin's Ferry	52	3.23
Piqua	40	4.25
Portsmouth	41	4.13
Sidney	52	3.16
Sandusky	43	3.88
Bellaire	48	3.52
Conneaut	64	2.63
Marietta	49	3.42
2. *Villages.*		
Jefferson	121	$1.40
Hayesville	89	1.91
Bluffton	72	2.34
Albany	75	2.00
St. Clairsville	82	2.06
Mechanicsburg	90	1.88
New Carlisle	76	2.22
Blanchester	71	2.39
Martinsville	85	2.00
Warsaw	92	1.84
Arcanum	72	2.35
3. *Townships.*		
Sullivan, Ashland County	81	$2.11
Andover, Ashtabula County	84	2.01
Salem, Champaign County	60	2.83
Bethel, Clark County	62	2.71
Mad River, Clark County	70	2.44
Gustavus, Trumbull County	70	2.45
Kinsman, Trumbull County	70	2.44

the smaller and the larger cities. Ashtabula levied thirteen mills school tax and received from this fund only $2.71 per pupil taught, while Cleveland levied only 5.62 mills but received $3.73 per pupil taught. When reduced to ratios, the aid Cincinnati received is to the aid Painsville received as 5 to 1; ratio of Cincinnati to Ashtabula, $7\frac{1}{2}$ to 1.

Shouldn't the State place its help where needed? Should not a more equitable basis of distribution of the State's school funds be found? The writer has collected data bearing upon several other phases of this question, but the length of this paper precludes a further detailed discussion at this time. . . . As to the matter now in hand the writer would say that the school-census or school-enumeration basis, although now in use in one form or another in thirty-eight states and territories, is one of the most unsatisfactory bases, because it is not only theoretically defective but in practice it only slightly equalizes inequalities and advantages; it often renders those inequalities more marked, as shown in the tables submitted; and it offers no incentive to a community to make its own maximum of effort.[1]

III. State Support; Educational Standards; Apportionment of Funds

[From *Study of Education in Vermont;* Carnegie Foundation for the Advancement of Teaching, Bulletin No. 7, 1914, pp. 144–147.]

EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOLS

A financial comparison between the public school system of 1892 and the school system of two decades later makes possible certain interesting and illuminating conclusions. The number of pupils enrolled in 1892 and 1912 was substantially the same, approximately 65,000. The average daily attendance increased during this period from 45,057[2] to 52,160, or nearly 16 per cent. The total expenditures for the maintenance of elementary and secondary schools during the fiscal year 1892 were reported as $743,543, of which amount $549,980, or about 74 per cent, went for teachers' salaries. In 1912 the expenditures for current expenses amounted to $1,672,709, of which $968,382, or about 58 per cent, went for teachers' salaries. To view the situation from another angle, while the total expenditures have increased about 125 per cent during the past twenty years, the amount expended for teachers' salaries has been raised only about 76 per cent. The average cost

[1] In 1914 a new apportionment law attempted to remedy these inequalities and to improve the basis of apportionment, but as it applied only to the county apportionment, the inequalities in the state apportionment to the different counties remain as great as before.

[2] The average daily attendance for 1882 was reported as 47,772.

per pupil in daily attendance rose from $16.50 in 1892 to nearly $24 in 1912, an increase of nearly 50 per cent. During this time the potential resources, that is, the taxable property, increased about 30 per cent — the grand list of the state being $1,600,000 for 1892 [1] and $2,193,901 for 1912.

DIRECT STATE SUPPORT AND EDUCATIONAL STANDARDS

A large number of comparisons similar in general character to those just made might be presented as indicative of the effort being put forth by the state and the towns to support the public schools. It is essential, however, not to obscure the remaining fact that the state needs yet to provide both for a greater equalization of the burden of school support among the communities of the state and for a further enlargement of the funds to be used for the elementary and secondary schools, if these schools are to be conducted on the high level requisite for the progressive welfare of the state. The urgencies of the educational situation revealed in the portions of this report dealing with the rural and the secondary schools are such that additional expenditures on the part of the state must be resolutely faced. It is not a question of how much Vermont is expending per capita. It is a question of developing a school system equal to the needs of its people.

The development of the state's school system during the past twenty years has already been greatly stimulated by direct state subsidies. The proportion of the total expense for the maintenance of the elementary and secondary schools borne directly by the state was considerably increased during the decade 1902–12. The increase of the state school tax from five per cent to eight per cent in 1900, the grants of state aid for transportation and board of pupils, for advanced instruction and for union supervision, and the establishment of the permanent public school fund are important items of this increased proportion.

In the granting of state aid to the lower schools two distinct ends are now generally recognized by American states: (1) to equalize the resources of local communities with which to meet definite educational needs, and (2) to stimulate local communities to further educational effort. Vermont's plan of apportioning state funds seeks to accomplish both of these ends. . . .

In 1912, 772 schools, or practically one-third of the entire number, had 15 pupils or less. With this condition, all calculations of ex-

[1] Estimated on the number of polls, and the value of real and personal property as given in the Report of the Special Commission on Taxation of Vermont, 1908.

pense based upon the pupil are unsound, even though showing a per capita cost that is equal to or above that of other towns or states. The principal item of school cost is the salary of the teacher. A normal expenditure per pupil in small schools means a low salary level for the teachers. This combination of many small schools with a high average cost per pupil explains Vermont's rank of fourteenth among the states of the Union in the average annual expense per child as compared with her rank of forty-third in the average annual salary of teachers. It seems clear that the general standard of the elementary schools of the state will be raised only through an enlargement of the state's direct support of these smaller schools, coupled with an intelligent and expert educational oversight on the part of the state. The inauguration of an administrative system of efficient type will reduce certain expenses, but in the long run the state must spend more money to obtain a steadily improved system of schools. No other investment that the state can make will return so great a profit.

PRINCIPLE UPON WHICH STATE SCHOOL FUNDS SHOULD BE DISTRIBUTED

The practice recently and most widely followed in the distribution of state funds to local communities has had in view solely the justice of the distribution, and has therefore based its award upon the school census or upon some form of school attendance. The plan at present in operation in Vermont makes its major grant depend simply on the number of legal schools, without regard to their size, or efficiency, or the wealth of the community that maintains them. Both of these plans are characteristic of the period when the state confided everything in education to the varying discretion of the towns, a period when the state itself had no definite educational policy. This has changed; the state has become educationally conscious, intelligent, and ambitious. The recommendations of this report contemplate for Vermont a strong, well-centralized and efficient state control in education. It is obvious that with the introduction of such educational leadership the power of state funds must be put behind the policies to be inaugurated. Hereafter money should no longer be granted on a per capita, or per school, or other merely numerical basis. State aid, when administered by the advice of an informed and vigorous central authority, should invariably be granted in such a manner as to stimulate and reward local effort which is harmonious with state policies. Hence in Vermont, what assistance the state can give should go for better trained and better paid rural school

teachers, for better buildings, for persistent and careful consolidation, and for the revision of the curriculum in the interests of domestic science, manual training, and agriculture. Details of such measures must, of course, rest with the educational officers themselves to elaborate; it is sufficient at this point to urge that the chief tool for realizing their success should be made as responsive as possible to their designs.

It is not possible without a more intensive study of the separate towns and communities to outline a statement of a permanent financial policy for the future as between state support and local support of elementary and secondary schools. Such a policy must be worked out gradually by the board of education as the reorganization of the school system proceeds. State support, like all other outside support offered to a community, has its dangers no less than its advantages. It would be a serious misfortune to lift the entire burden of school support from the community. It is a question of judgment as to how far a state can go in helping local schools in justice to its other obligations, and how far such aid stimulates instead of weakens local sense of responsibility.

In another section attention is called to the present somewhat loose methods of accounting and paying school bills, including the payment of teachers' salaries. So long as collections and payments depend upon two distinct sources, — state and local, — it is not easy to introduce a uniform, simple, and prompt method of accounting and payment. But the solution of this question and the still more pressing one of better salaries for teachers can be worked out only by the coöperation of the state supervising agency with the town authorities. With the stimulus of state aid and of state supervision, it will be entirely possible to bring state and local authorities to a uniform practice.

IV. Examples of Good Apportionment Laws

Within recent years there has been a tendency to abandon the census basis of apportionment for some better basis, and to provide special aid for weak districts. Missouri represents this tendency, and also illustrates what can be done in establishing better conditions by a state having but a small school fund. Before this law was enacted the fund was apportioned wholly on school census, and amounted to $1.81 the year the law was enacted. California has for long had a reasonably

good apportionment law, and this is reproduced here as representative of what can be done when a large fund is available. New Jersey is reproduced as illustrative of a recent tendency to place premiums on desirable efforts which communities should be stimulated to make.

1. *The New Missouri Apportionment Law*

[Revised School Laws of Missouri, Chap. 106, Secs. 10822, 10846; Session Acts of 1911 and 1913.]

Sec. 10822. **Apportionment of public school fund.** — The state superintendent of public schools shall, annually, before August 15th, apportion the public school fund applied for the benefit of the public schools among the different counties. This apportionment shall be made as follows: The state superintendent shall apportion, among the various counties, fifty dollars for each teacher, each principal, and each supervisor actually employed for the entire term: *Provided,* that any teacher employed for less than one-half of the day shall not be counted; any teacher employed for less than one-half of the term for which school is maintained in the district shall not be counted; for each teacher employed for more than one-half of the school term of the district and less than nine-tenths of the school term, he shall apportion only twenty-five dollars: *Provided, also,* that he shall apportion only twenty-five dollars for the teacher of any district in which the average attendance during the year preceding the apportionment has been less than fifteen pupils per day: *Provided further,* that he shall apportion one hundred dollars for each teacher whose salary is one thousand dollars or more per year: *Provided,* that he shall apportion fifty dollars for each teacher of any district that employs only two teachers, one of whom is colored and one white: *Provided,* that no teacher, principal, or supervisor, who is not paid by the school board from the public funds of the district shall be counted. After these teacher apportionments have been deducted the remainder of the state school fund to be apportioned shall be divided by the total number of days' attendance of all the pupils of the public schools of the state and the quotient thus obtained shall be called a pupil daily apportionment. The amount apportioned to each district shall be determined by multiplying this pupil daily apportionment by the total number of days' attendance of all pupils of each district: *Provided,* that the days' attendance on legal holidays and on days when the school is dismissed by order of the board

to permit teachers to attend teachers' meetings shall be determined by counting as present each pupil who was present on the last day the school was in session before such intermission. The clerk of each school district shall make a report to the county clerk between June 15th and June 30th of each year, showing the number of teachers employed, the total number of days' attendance of all pupils, the length of the school term, the average attendance, the number of days taught by each teacher, the salary of each teacher, and any other information that the state superintendent may require. The aforesaid report shall be sworn to before a notary public or the county clerk. The county clerk shall make a summary of all these reports and forward to the state superintendent of public schools, on or before July 15th, a report showing the total number of teachers employed in the county and the total number of days' attendance of all pupils in the county, the number of teachers employed for the full term, and the number for half terms, and the number whose salary is one thousand dollars or more per year, and such other information as the state superintendent may require. Any district clerk, county clerk, or teacher, who shall knowingly furnish any false information in such reports, or neglect or refuse to make aforesaid report shall be deemed guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars or imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. The state superintendent of public schools shall certify the amount so apportioned to the state auditor, also to the county clerk of each county, stating from what source the same is derived, which said sum the several county treasurers shall retain in their respective county treasuries from the state fund; the county clerks shall annually before September first, according to the same provisions hereinbefore stated, for determining the apportionment of the state school fund by the state superintendent of public schools proceed to apportion the state school fund for their respective counties; and no district, city, or town which shall have failed to make this report to the county clerk hereinbefore required, shall be entitled to receive any portion of the public school funds; and in making such distribution, each county clerk shall apportion all moneys collected on tax duplicate of any district, for the use of schools to such district, all moneys received from the state treasurer, and all moneys on account of interest of the funds accruing from the sale of section sixteen, or other lands in lieu thereof to the district schools in the congressional townships, and parts of congressional townships to which said land belonged, and all other moneys for the use of schools in the county, and not otherwise ap-

portioned by law, to the proper district: *Provided*, that all school moneys for the use of schools in any townships or parts of townships and all moneys for the use of schools in any county shall be apportioned upon the last enumeration on file in the office of the county clerk, except the state school funds, which shall be apportioned as hereinbefore provided; and he shall immediately after making such apportionment enter the same in a book to be kept for that purpose, and shall furnish the district clerks, and those of cities and villages, as the case may be, each a copy of said apportionment, and order the county treasurer to place such amount to the credit of the district, city or town entitled to receive the same: *Provided*, that no school district which fails to levy a tax of forty cents on the one hundred dollars' assessed valuation, unless the assessment of a less amount, together with the moneys received from the public funds, shall amount to three hundred and fifty dollars for school purposes, shall receive any part of the public school moneys for the ensuing school year, and the county clerk shall omit such districts in the apportionment of the public moneys: *Provided further*, that no district, city or town that shall have failed to afford the children thereof the privileges of a free school for at least eight months during the year ending the 30th day of June previous to the said distribution, provided a tax of forty cents on the one hundred dollars' assessed valuation, together with the public funds, will maintain the same, shall be entitled to any portion of the public school fund for that year. This act shall take effect and be in force on and after the first day of September, 1911. (Session Acts, 1911.)

Sec. 10846. **Length of school required — state aid, how obtained.** — The board of directors of every school district is hereby empowered and required to continue the public school or schools in the district for a period of eight months in each scholastic year: *Provided*, that when any district has levied for school purposes (teacher and incidental expenses) the maximum levy provided by law and the funds so derived, together with the money on hand and the amount received from the public funds, are insufficient to maintain such school or schools for such a period, paying the teacher or teachers a maximum salary of forty dollars ($40.00) per month, then such district shall receive from the state treasurer a sufficient amount to make up this deficit: *Provided*, that a salary of forty-five dollars ($45.00) per month may be paid by a district employing a teacher who holds a second grade certificate, and fifty dollars ($50.00) per month by a district employing a teacher who holds a first grade certificate, or its equivalent: *Provided further*, that no district shall receive more than one

hundred dollars ($100.00) in any one year. Any district making application for such state aid shall show that it has an assessed valuation of fifty thousand dollars or less, that it has made a levy of sixty-five cents on the one hundred dollars' valuation for school purposes, not more than twenty-five cents of said levy to be used for incidental purposes, and that it has maintained an average daily attendance of fifteen or more pupils during the past school term; or in lieu of an average daily attendance of fifteen or more pupils that during the past school term it has maintained an average daily attendance of sixty per cent. of the last enumeration in said district: *Provided further*, that any school district that receives aid under the provisions of this act and then pays its teachers' salaries in excess of the amount above specified shall forfeit its right to any further state aid under this act for a period of two years. It is also further provided that no school district organized after January 1, 1913, with an area of less than six square miles shall be entitled to state aid under the provisions of this act. The directors of any such district desiring to avail itself of this aid shall meet and, on or before June 30th, furnish to the county clerk an estimate verified by the signatures of the clerk and the members of such board, showing the amount of such probable deficit; it shall be the duty of the county clerk to furnish to the state superintendent, on or before July 15th, a list of all districts in his county making such application, showing the amount estimated by each district and the total for the county. Before apportioning the state school funds, the state superintendent of public schools shall set aside a sum equal to the total of all deficits reported by all the counties in the state, after which he shall proceed in accordance with section 10822. The state superintendent shall cause the state treasurer to forward to the county clerk of each county the total amount shown to be due to such county to make up such deficits, and the clerk shall thereupon apportion to each district its proper amount in accordance with the estimates on file in his office. (Session Acts, 1913.)

2. *The California Apportionment Law*

[Political Code of California, Secs. 1532, 1856, and 1861.]

§ 1532. It is the duty of the superintendent of public instruction:

Fourth — To apportion the state school fund; and to furnish an abstract of such apportionment to the state controller, the state board of examiners, and to the county and city and county

auditors, county and city and county treasurers and to the county and city and county school superintendents of the several counties of the state. In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars for every teacher determined and assigned to it on average daily attendance by the county or city and county school superintendent for the next preceding school year, as required of the county or city and county school superintendent by the provisions of section eighteen hundred and fifty-eight of this code, and after thus apportioning two hundred fifty dollars on teacher basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the county or city and county school superintendents for the next preceding school year.

Fifth. — To draw his order on the controller in favor of each county or city and county treasurer for school moneys apportioned to the county or city and county.

§ 1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows:

1. **Method of determining number of teachers.** He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having thirty-five or a less number of units of average daily attendance and one additional teacher for each additional thirty-five units of average daily attendance, or fraction of thirty-five not less than ten units of average daily attendance as shown by the annual school report of the school district for the next preceding school year; and two additional teachers shall be allowed to each district for every seven hundred units of average daily attendance; and in districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes.

2. **Report to the superintendent of public instruction.** He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed to the several districts. He must make an annual report of the schools of his county or city and county under oath to the superintendent of public instruction not later than August first of each year, and must report the number of teachers ascertained and allowed to his county or city and county by the rule or provisions of subdivision one hereof.

3. **Method of apportionment.** Five hundred and fifty dollars shall be apportioned to every school district for every teacher so allowed to it; *provided*, that to districts having over thirty-five or a multiple of thirty-five units of average daily attendance and a fraction of less than ten units of average daily attendance, forty dollars shall be apportioned for each unit of average daily attendance in said fraction.

4. All school moneys remaining on hand, after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the next preceding school year; *provided*, that in any newly organized school district where school was not maintained during the school year in which it was organized the county superintendent shall require the teachers and principal or principals of the school district or districts from which the newly organized district was formed to report to him as a part of their annual reports, the names and attendance records of all pupils residing in said new district and attending school in the old district or districts during the school year in which the new district was organized. The county superintendent shall determine the average daily attendance and the teacher allowance for the newly organized district from those reports and shall deduct from the old districts the average daily attendance credited to the new district. In case it shall appear that none of the pupils residing in the newly formed district attended school during the year in which said district was organized in the district or districts from which said district was organized, then the superintendent shall apportion six hundred dollars to the newly organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

5. **Units of attendance defined.** Units of average daily attendance wherever used in this section shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the schools of the district by the number of days school was actually taught in the district. A school day is hereby construed and declared to be that portion of the calendar day or night in which school is maintained and in which one twentieth of the work of a school month may be performed. The attendance of pupils present less than one fourth of any day shall not be counted for that school day and pupils present for one fourth of a day or for more than one fourth of a day shall be counted as present for one fourth of a day, one half of a day, three fourths of a day, or for a whole day, as the case may be.

§ 1861. The state school fund must be used for no other purpose than the payment of the salaries of teachers of primary and grammar schools.

3. *The New Jersey Subsidy-Apportionment Law*[1]

[The School Act of New Jersey, as amended by the *Session Laws* of 1912, Sec. 182.]

182. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the county superintendent of schools for the county in which such school district shall be situate, and on the blanks furnished for that purpose by the Commissioner of Education, the number of teachers, who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion of said year, but for a period of not less than four months, specifying the grade in which each of such teachers shall have been employed. There shall also be certified as aforesaid the number of pupils who shall have attended a public school in a district other than that in which they reside, and for whom tuition fees shall have been paid by the board of education, specifying the grade in which each of said pupils shall have been enrolled during said year, and also the number of such pupils for whom transportation has been provided, and the cost thereof.

The said county superintendent of schools shall, on or before the first day of April in each year, apportion to the several school districts of said county the State school moneys, and the interest of the surplus revenue in the following manner:

I. (a) The sum of six hundred dollars to each district in which there shall have been employed a supervising principal or city superintendent of schools, who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid, the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said districts shall bear to the total number of teachers employed in all of the districts united in employing said supervising principal.

(b) The sum of five hundred dollars for each teacher employed

[1] This covers the apportionment of funds only within the counties, the plan in use for apportioning state funds to the counties being much less meritorious.

in a special class for the instruction of blind or deaf children or for children who are three years or more below the normal.

(c) The sum of four hundred dollars for each assistant superintendent and supervisor, other than the supervising principal, employed in the district, and permanent teacher employed in a high school or high school department having a full four years' course of study, who shall have been approved by the State Board of Education.

(d) The sum of three hundred dollars for each permanent teacher employed in a high school or high school department having a full three years' course of study, which shall have been approved by the State Board of Education.

(e) The sum of two hundred dollars for each permanent teacher employed in an ungraded school, or in a kindergarten, primary or grammar department or in a high school department having a course of study of less than three full years, which course of study shall have been approved by the State Board of Education.

(f) The sum of eighty dollars for each temporary teacher who shall have been employed for a period of not less than four months.

(g) The sum of eighty dollars for each teacher employed in an evening school for the full time such school shall have been maintained; *provided*, the board of education shall certify that said evening school has been maintained at least four months during the school year preceding that for which the apportionment shall be made; *provided, further*, if any such teacher shall have been also employed in the day schools of the same district, the apportionment aforesaid shall be made for such teacher in addition to any amount apportioned for him as teacher in such day schools.

(h) The sum of twenty-five dollars for each pupil who shall have attended a high school or high school department in a district other than that in which he resides, and for whom a tuition fee shall be paid by the board of education.

(i) The sum of five dollars for each pupil who shall have attended an ungraded school or a kindergarten, primary or grammar school department, in a district other than that in which he resides, and for whom a tuition fee shall have been paid by the board of education.

(k) Seventy-five per centum of the cost of transportation of pupils to a public school or schools; *provided*, that, subject to appeal as provided in section ten of the act to which this act is an amendment, the necessity for the transportation and the cost and method thereof shall have been approved by the county superintendent of schools of the county in which the district paying the cost of such transportation is situate.

In making such apportionment teachers employed in a manual training school or department in a district receiving an appropriation from the State for such manual training school or department and who shall have devoted at least one-half of the time the schools in said district shall have been kept open to school work other than manual training shall be regarded as temporary teachers only, but no apportionment shall be made for teachers who shall have devoted their entire time to teaching in such manual training school or department.

II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days' attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the Commissioner of Education. For the purpose of such apportionment an attendance upon an evening school shall be counted as one-half days' attendance. If a school in any district shall, on account of contagious disease, destruction of the schoolhouse by fire or otherwise, or for other good reason, be closed, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days' attendance upon such school for the time it shall have been closed as aforesaid shall be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

DIVISION V

MATERIAL ENVIRONMENT AND EQUIPMENT

CHAPTERS XIX–XXI

CHAPTER XIX

CONTROL OF SCHOOL BUILDINGS

School Control and the School Plant. — The school plant, by which is meant both school buildings and school grounds, is a center about which are grouped numerous problems of educational control, and many issues of social importance. It is the one permanent and concrete evidence for the community of the existence of the public school system.

As *property* the school plant represents the corporate communal right to have and to hold; and as such it has readily become the center of frequent conflict of individuals, parties and partisans. The history of the American public school contains many, too many, chapters of litigious dispute during which the technical rights of property — both public and private — have too often obscured the educational rights of children.

As an *educational institution* the school plant represents the adaptation of means to ends; of small means to small ends; of large means to large ends. Its evolution typifies the enlarging conceptions of the purpose of the public school system, and the widening sphere of the field of the practical operation of the school. Incorporated within every public school structure and its immediate environment, is a composite of community ideals; ideals of teaching, ideals of health and safety of both children and teachers, ideals of economic and æsthetic responsibility.

Judge Brewer, in the following decision, has given a clear interpretation of the responsibility of local school officers for the proper maintenance of the public school building.

I. Responsibility of School Officers

[C. F. Conklin and another *v.* School-District No. 37, etc. July Term, 1879, 22 Kansas 366.]

Brewer, J. The question in this case is as to the powers of the district board of the school-district in reference to repairs on a school-house. The repairs consisted in fixing a door and window, and painting over some obscene writing on the wall, and the contract price therefor was five dollars. The contention of the defendant is that the district board is limited to the amount of money voted for repairs at the school meeting, and to the kind of repairs specified in such vote, and the testimony shows that the board had already exhausted the moneys voted for the repairs specified. Hence it claims that the powers of the board were exhausted, and the contract not binding on the district. The statute provides (Laws 1876, p. 248, sec. 11) that the school meeting shall have power — "*Fifth*, to vote a tax annually, not exceeding one per cent, on the taxable property in the district, as the meeting shall deem sufficient, to purchase or lease a site, . . . and to build, hire, or purchase such school-house, and to keep in repair and furnish the same with the necessary fuel and appendages." And (page 253, sec. 22) that "the district board shall have the care and keeping of the school-house and other property belonging to the district;" and (page 254, sec. 25) that "the district board shall provide the necessary appendages for the school-house during the time a school is taught therein, and shall keep an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting." These two sections impose a duty, as well as grant a power. "Shall have the care and keeping of the school-house," not merely authorizes, but requires, the board to preserve and care for the school-house. And this duty is not, like that of a janitor, one of personal attention and manual labor, but like that of trustees, one of supervision. They are not personally to sweep and dust and clean, or bring wood and make fires, but to see that it is done, and to that end may employ assistants, and bind the district for their pay. They are not chosen because of their physical strength and dexterity, but because of their good sense and intelligence. And "care and keeping," when used in connection with a trust like this, imply the right to preserve the building in the condition in which it is placed in their custody, to make good the waste and injury to which all buildings, and especially public buildings like the school-house, are subject; in other words, to repair. It may not imply the right to remodel or improve, but

it implies the right to do all that may come fairly and strictly within the term "repair." They are to "keep" the school-house, and to keep it in good order and repair. If a pane of glass be broken, they may employ a glazier to put in a new one. If the door be off the hinges, they may employ a carpenter to fix it. If some miscreant has defiled the walls with obscene writing, they may employ one to remove the writing or repaint the wall. And in this they are but performing the duty cast upon them of the "care and keeping" of the school-house, and are creating a liability against the district, and not upon themselves personally. We do not think that the board can be considered as simply a special committee to expend certain moneys placed in their hands, and with no power beyond. The district is a corporation (Laws 1876, p. 245, sec. 2) with the "usual powers of a corporation. for public purposes," and the board is its managing authority. True, its powers are few and limited; but still reasonable construction must be given to the powers which are granted. And where a duty is imposed, especially one so vital as this to the well-being of the district, it will be understood that it is to be performed in the ordinary manner, and by the ordinary means. It will be noticed by section 21, p. 253, that, when the board builds, hires, or purchases a school-house, it is expressly stated that it shall be done "out of the funds provided for that purpose;" but no such limitation is expressed when the duty is cast of the care and keeping of the school-house. The reason is obvious. In mere matter of repairs and preservation, there is little room for expenditure; in building, hiring, or purchasing there may be great extravagance. Again, it is in the very nature of repairs that they cannot be foreseen, and the necessary amount determined in advance. Who can tell when and to what extent just such injuries as appear in this case will occur? Discretion as to these matters must be vested somewhere, and nowhere more appropriately than in the district board. And so we understand the legislature has provided.

The judgment will be reversed, and the case remanded for a new trial.

(All the justices concurring.)

The school plant is one of the last of the fundamental factors of public education to be brought, in an increasing degree, under the direct control of the state. In whatever other direction the state has imposed its authority upon local school communities the marked tendency hitherto has been to regard

the control of material structure and environment of the public school as belonging to the local administrative area. State control, when exercised, was chiefly over funds and expenditures. Within a decade, however, there has been a distinct movement on the part of the state to assume a direct oversight of the school and to regulate in detail its location, construction, arrangement, sanitation and use. This centering of control has been the natural result of local incapacity to respond to evident needs for the conservation of funds, for the protection of health and for the securing of a higher degree of educational adaptability and social usefulness.

The following sections from the state building Code of Ohio (1913) [1] are typical of the contemporaneous tendency to exercise, through the police power of the state, a control over public school buildings. The provisions of this Code are symptomatic of the increasing social importance of the hygienic features of educational buildings.

II. The Ohio State Building Code

[*Session Laws*, 1911, pp. 586 ff.]

PART 1

ADMINISTRATION

An Act Establishing a building code, regulating the construction of, repair of, alteration on, and additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways, and fire escapes in and upon public buildings. (Approved, June 14, 1911; amended by act approved May 9, 1913.)

[1] See also the Indiana Sanitary School House Law (1911). This law, together with the rules and regulations of the State Board of Health governing the construction and sanitation of school buildings and school sites, has been published by the United States Bureau of Education (Bulletin No. 52, 1913).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. It shall be the duty of the State fire marshal or fire chief of municipalities having fire departments to enforce all the provisions herein contained relating to fire prevention.

It shall be the duty of the chief inspector of workshops and factories or building inspector or commissioner of buildings in municipalities having building departments to enforce all the provisions herein contained for the construction, arrangement, and erection of all public buildings or parts thereof, including the sanitary condition of the same, in relation to the heating and ventilation thereof.

It shall be the duty of the State board of health or building inspector or commissioner, or health departments of municipalities having building or health departments to enforce all the provisions in this act contained, in relation and pertaining to sanitary plumbing. But nothing herein contained shall be construed to exempt any other officer or department from the obligation of enforcing all existing laws in reference to this act.

SEC. 2. It shall be unlawful for any owner or owners, officers, board, committee, or other person to construct, erect, build, equip, or cause to be constructed, erected, built, or equipped any opera house, hall, theater, church, schoolhouse, college, academy, seminary, infirmary, sanatorium, children's home, hospital, medical institute, asylum, memorial building, armory, assembly hall, or other building used for the assemblage or betterment of people in any municipal corporation, county, or township in this State, or to make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety, or other vital feature of said building or structure, without complying with the requirements and provisions relating thereto contained in this act.

SEC. 3. It shall be unlawful for any architect, builder, civil engineer, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee to violate or assist in violating any of the provisions contained in this act.

SEC. 5. Nothing herein contained shall be construed to limit the council of municipalities from making further and additional regulations, not in conflict with any of the provisions of this act contained nor shall the provisions of this act be construed to modify or repeal any portions of any building code adopted by a municipal corporation and now in force which are not in direct conflict with the provisions of this act.

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Sec. 6. The provisions of this act shall not apply to the construction or erection of any public building or to any addition thereto or alteration thereof, the plans and specifications of which have been heretofore submitted to and approved by the chief inspector of workshops and factories.

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Sec. 7. A justice of the peace, mayor, or police judge shall have final jurisdiction within his county in a prosecution for a violation of any provision of the foregoing act.

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PART 2

SPECIAL REQUIREMENTS

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Title 3. — School Buildings

Section 1. [Classification.] Under the classification of school buildings are included all public, parochial, and private schools, colleges, academies, seminaries, libraries, museums, and art galleries, including all buildings or structures containing one or more rooms used for the assembling of persons for the purpose of acquiring knowledge or for mental training.

Grade A. — Under this grade are included all rooms or buildings appropriated to the use of primary, grammar, or high schools, including all rooms or buildings used for school purposes by pupils or students 18 years old or less.

Grade B. — Under this grade are included all rooms or buildings appropriated to the use of schools, colleges, academies, seminaries, libraries, museums, and art galleries, including all rooms or buildings not included under grade "A."

Sec. 2. [Class of construction.] *Grade A.* — Where the main first floor line is 8 feet or more above the grade line at any entrance to or exit from any story above the basement, the basement shall be rated as the first story. Stories over 15 feet high, measuring from the floor to the ceiling line shall be rated as two stories. All buildings more than two stories high shall be of fireproof construction.

All buildings two stories high and less shall be of fireproof or composite construction.

No school building of grade A shall be built more than three stories high.

Grade B. — Where any floor level is more than 26 feet above the grade line at any entrance to or exit from the building, the building shall be of fireproof construction.

Where floor levels are less than 26 feet above the grade line at any entrance to or exit from the building, the building shall be of composite or fireproof construction.

No school building of grade B shall be built more than five stories high nor shall the topmost floor level be more than 50 feet above the grade line at any entrance to or exit from the building.

Grades A and B.— Exceptions.— All buildings one story high, without basement and with the floor line not more than 4 feet above the grade line shall be of fireproof, composite, or frame construction, providing when built of frame construction the same is erected 30 feet away from any other building structure or lot line and 200 feet beyond the city fire limits.

SEC. 3. [**Exposure and courts.**] *Exposure.* — No building of grade B shall occupy more than 95 per cent of a corner lot nor more than 90 per cent of an interior lot or site.

No building of grade A shall occupy more than 75 per cent of a corner lot nor more than 70 per cent of an interior lot or site. The measurements being taken at the lowest tier of floor joists.

No wall of any building coming under this classification containing windows used for lighting school or classrooms shall be placed nearer any opposite building, structure, or property line than 30 feet.

Courts. — By inner court is meant an open shaft or court, surrounded on all sides by walls.

By recess court is meant an open air shaft or court, having one side or end opened, and when such opening is on a lot line, it is an inner court.

Recess or inner light courts may be used, providing the least distance between any two opposite walls containing windows for lighting class and schoolrooms is equal to the height from the lowest window sill to the top of the highest cornice or fire wall. All walls to inner or recess courts shall be of masonry or other fireproof construction (except for buildings of frame construction).

No inner or recess court shall be covered by a roof, skylight, or other obstruction.

If area ways are used for lighting basements, the width of the area shall be not less than equal to the height from the lowest window sill to the top of the adjoining grade line.

SEC. 4. [**Subdivisions and fire stops.**] Buildings of this classi-

fication built in connection with a building of a lower grade of construction shall be separated from the other parts of the building by (a) standard fire walls, and all communicating openings in these walls shall be covered by double standard fire doors, using self-closing door on one side of the wall and an automatic fire door or an automatic rolling steel shutter on the other. The automatic shutters or doors for openings used as a means of ingress or egress shall be kept open during the occupancy of the building.

All rooms or apartments used for general storage, storing of furniture, carpenter shops, general repairing, paint shops, or other equally hazardous purposes shall be constructed with fireproof walls, ceilings, and floors, and all openings between these rooms or apartments and the other parts of the building shall be covered by double standard fire doors, using a self-closing door on one side of the wall and an automatic fire door or an automatic rolling steel shutter on the other.

No open wells communicating between any two stories shall be used, except the necessary stair and elevator wells.

All exterior and court walls of buildings coming under this classification (except buildings of frame construction) within 30 feet of any other building, structure, or lot line shall be provided with the following fire stops, viz.:

Walls shall be standard fire walls.

All windows shall be automatic standard fireproof windows, and all door openings shall be covered by standard hinged fire doors without any automatic attachments.

SEC. 5. [**Heater room.**] Furnaces, hot-water heating boilers, and low-pressure steam boilers may be located in the buildings, providing the heating apparatus, breeching, fuel room, and firing room are inclosed in a standard fireproof heater room, and all openings into the same are covered by standard self-closing fire doors.

No boiler or furnace shall be located under any lobby, exit, stairway, or corridor.

No cast-iron boiler carrying more than 10 pounds pressure or steel boiler carrying more than 35 pounds pressure shall be located within the main walls of any school building.

SEC. 6. [**Basement rooms.**] No rooms used for school purposes shall be placed wholly or partly below the grade line. Rooms for domestic science, manual training, and recreation may be placed partly below grade, provided the same are properly lighted, heated, and ventilated.

SEC. 7. [**Dimensions of school and class rooms.**] *Floor space.* — The minimum floor space to be allowed per person, in school and class rooms, shall not be less than the following, viz.:

Primary grades, 16 square feet per person.
Grammar grades, 18 square feet per person.
High schools, 20 square feet per person.
All other school and class rooms, 24 square feet per person.

Cubical Contents. — The gross cubical contents of each school and class room shall be of such a size as to provide for each pupil or person not less than the following cubic feet of air space, viz.: Primary grades, 200 cubic feet; grammar grades, 225 cubic feet; high schools. 250 cubic feet; and in grade B buildings 300 cubic feet.

Height of Stories. — Toilet, play, and recreation rooms shall be not less than 8 feet high in the clear, measuring from the floor to the ceiling line.

The height of all rooms, except toilet, play, and recreation rooms, shall be not less than one-half the average width of the room, and in no case less than 10 feet high.

Capacity of rooms. — The plans shall be clearly marked showing the maximum number of pupils or persons to be accommodated in each room.

SEC. 8. [**Rest rooms.**] In all school buildings of grade A containing four and not more than eight school or class rooms a rest or hospital room shall be provided, and in all school buildings of grade A containing more than eight school, or class rooms two such rooms shall be provided.

These rooms shall be provided with a couch and supplies for first aid to the injured, and where water supply is available shall be provided with water closets and sinks.

SEC. 9. [**Assembly halls.**] A room seating or accommodating more than 100 persons shall be considered as an assembly hall.

No assembly hall in a building of grade A shall be located above the second story in a building of fireproof construction, nor above the first story in a building of composite construction.

Otherwise assembly halls shall be constructed and equipped as called for under part 2, title 1.

SEC. 10. [**Seats, desks, and aisles.**] *Securing seats.* — Seats, chairs, and desks placed in class, recreation, study, and high-school rooms seating more than 15 persons shall be securely fastened to the floor. Desks and chairs used by the teachers may be portable.

Assembly hall seats and aisles. — Assembly hall seats and aisles shall be as called for under part 2, title 1.

Classroom seats and aisles. — Class and school rooms shall have aisles on all wall sides.

In primary rooms center aisles shall not be less than 17 inches and wall aisles not less than 2 feet 4 inches wide.

In grammar rooms center aisles shall not be less than 18 inches and wall aisles not less than 2 feet 6 inches wide.

In high-school rooms center aisles shall not be less than 20 inches and wall aisles not less than 3 feet wide.

In all other class and school rooms center aisles shall not be less than 24 inches and wall aisles not less than 3 feet wide.

Sec. 11. [Optics.] The proportion of glass surface in museums, libraries, and art galleries shall be not less than 1 square foot of glass to each 6 square feet of floor area.

The proportion of glass in each class, study, recitation, high-school room, and laboratory shall be not less than 1 square foot of glass to each 5 square feet of floor area. (For glass surface in rooms used for domestic science and manual training, see part 2, title 7, workshops, factories, and mercantile establishments.)

The proportion of glass surface in each play, toilet, or recreation room shall be not less than 1 square foot of glass to each 10 square feet of floor area.

Windows shall be placed either at the left or the left and rear of the pupils when seated.

Tops of windows, except in libraries, museums, and art galleries, shall not be placed more than 8 inches below the minimum ceiling height as established under section 7.

The unit of measurement for the width of a properly lighted room, when lighted from one side only, shall be the height of the window head above the floor.

The width of all class and recitation rooms, when lighted from one side only, shall never exceed two and one-half times this unit, measured at right angles to the source of light.

All windows shall be placed in the exterior walls of the building, except for halls, corridors, stock and supply closets, which may be lighted by ventilated skylights or by windows placed in interior walls or partitions.

Museums, libraries, and art galleries may be lighted by skylights or clear-story windows.

Sec. 12. [Means of egress.] All means of egress or exit shall be exit doors, unless the same lead to A-standard fire escapes, which shall be either exit doors or exit windows.

Grade A. Buildings of fireproof construction. — Means of egress from rooms in the basement and superstructure shall be in proportion to 3 feet in width to each 100 persons to be accommodated in building accommodating not more than 500 persons.

When buildings accommodate from 500 to 1,000 persons, 2 feet additional exit width shall be provided for each 100 persons or fraction thereof in excess of 500 persons.

When buildings accommodate more than 1,000 persons, 1 foot additional exit width shall be provided for each 100 persons or fraction thereof in excess of 1,000 persons, but in no case shall an exit be less than 3 feet or more than 6 feet wide.

No inclosed standard fireproof stairways or fire escapes will be necessary for buildings of fireproof construction and all exits shall lead to the main corridors.

Grade A. Buildings of composite construction. — Each room in the superstructure used by pupils as a class or school room shall have at least two separate and distinct means of egress.

No class, school, or high-school room shall have more than one door or opening between it and the main halls or corridors of the building.

Communicating doors between two class or school rooms shall not be considered as a means of egress.

The proportion of exits to the seating capacity shall not be less than 3 feet to each 100 persons to be accommodated.

One-half of the exits shall lead to the main corridors, and the other half to inclosed fireproof stairways, B, C, or D standard fire escapes or stone, cement, or iron steps leading to the grade line. No exit door shall be less than 3 feet or more than 6 feet wide. No fire escape or outside stairway shall be used when the height of the same exceeds 8 feet above the grade line.

Each room in the basement used by the pupils shall have a direct exit not less than 3 feet wide, with stone, cement, or iron stairways leading up to the grade line. Stairways shall be not less than 3 feet 6 inches wide.

Areaways around such stairways shall have substantial hand and guard rails on both sides.

These exits shall be provided in addition to the usual service stairways and means of ingress.

Grade B. Buildings of fireproof or composite construction. — Each room or apartment used for any purposes other than storage shall have two separate and distinct means of egress.

If the various rooms connect directly with a hallway, means of egress at each end of the hallway will be sufficient; providing, however, that it is not necessary to pass one means of egress in order to reach the other.

These means of egress shall be either an inside stairway running continuously from the grade line to the topmost story or from the basement to the grade line; A, B, C, or D standard fire escapes; stone, cement, or iron steps leading to the grade line; or self-closing doors leading directly to the main corridor of an adjoining section of the same building containing a stairway.

Means of egress shall be at the rate of 3 feet per hundred persons to be accommodated.

It shall be presumed that half the persons will go to either means of egress.

In libraries, museums, and art galleries the capacity of the building shall be established by allowing each person 15 square feet of floor area in all lobbies, exhibition rooms, toilet rooms, corridors, stairs, and other public parts of the building.

Grade A and *B. Building of frame construction.* — Each room shall have at least two 3-foot exits, one leading to the open, with steps to the grade, and the other the usual means of ingress; and all steps shall have hand rails on both sides.

Signs. — Over each exit door shall be painted a sign indicating the word EXIT in plain block letters not less than 6 inches high.

SEC. 13. [Stairways.] *Grade A. Buildings of fireproof construction.* — Buildings of fireproof construction shall have at least two stairways located as far apart as possible and the same shall be continuous from the grade line to the topmost story.

The basement shall have at least two stairways, located as far apart as possible and run from the basement floor level to the grade line, which stairways may be placed under the main stairway. No further means of egress will be necessary.

Stairways shall be inclosed with masonry (of) [or] fireproof walls with standard self-closing fire doors at each story, and shall be provided with platforms and exit doors not less than 3 feet wide at the grade line.

Grade A. Buildings of composite construction. — Basement stairways shall be inclosed with either brick walls not less than 9 inches thick, concrete walls [not less than] 6 inches thick, or hollow tile walls [not less than] 12 inches thick.

All openings in these walls shall be provided with standard self-closing fire doors. The width of stairways required under this classification shall be equally divided, one-half being placed in the main service stairways and the other half in the inclosed fireproof stairs or fire escapes. No closet for storage shall be placed under any stairway.

Grade B. Buildings of fireproof construction. — Stairways shall be separated from the other parts of the building by masonry or fireproof partitions with standard self-closing fire doors.

Wire glass not less than $\frac{1}{4}$-inch thick, set in stationary metal sash and frames, may be used in place of stairway partitions. No wire glass shall be placed in partitions separating stairways from work or storage rooms containing highly combustible material.

Stairways shall be provided with grade line platforms with exit

doors not less than 3 feet wide leading to streets, alleys, or open courts.

Grade B. Buildings of composite construction. — In buildings of composite construction the stairways shall be separated from the other parts of the building by masonry or fireproof walls, with fireproof ceiling at the topmost story, with fireproof floor at the lowermost level, and all openings to these inclosures shall be provided with standard self-closing fire doors.

The above inclosures shall be provided with grade line platforms, and with exit doors not less than 3 feet wide leading to streets, alleys, or open courts.

No closet for storage shall be placed under any stairway.

Monumental stairs. — Monumental stairs from the basement to the second story may be used in buildings of grade B, providing they are placed as far distant from the other stairways as possible.

Stairway construction. — Width of stairways shall be at the (rate) [ratio] of 3 feet per 100 persons accommodated in buildings accommodating not more than 500 persons; when building accommodates from 500 to 1,000 persons 2 feet of additional stairway width shall be provided for every 100 persons or fraction thereof in excess of 500; when buildings accommodate more than 1000 persons, 1 foot additional stairway width shall be provided for every 100 persons or fraction thereof in excess of 1,000 persons.

No stairway shall be less than 3 feet 6 inches nor more than 6 feet wide, measuring between the handrails. Stairways over 6 feet wide, shall have substantial center handrails, with angle and newel posts not less than 6 feet high. No stairway shall have less than 3 nor more than 16 risers in any run.

No stairway shall have winders and all nosing shall be straight.

A uniform width shall be maintained in all stairways and stair platforms by rounding the corners and beveling the angles.

Handrails shall be provided on both sides of all stairways and steps.

Outside stairways and areaways shall be provided with guard rails not less than 2 feet 6 inches high.

Stairways shall have a uniform rise and tread in each run as follows, viz.:

Primary schools shall have not more than a 6-inch rise nor less than 11-inch tread.

Grammar schools shall have not more than a 6½-inch rise nor less than 11-inch tread.

All other schools shall have not more than a 7-inch rise nor less than 10½-inch tread.

The above dimensions shall be from tread to tread, and from riser to riser.

No door shall open directly upon a stairway, but shall open on a platform or landing equal in length to the width of the door.

In combination primary and grammar school buildings all stairways below the first-floor level shall be designed for primary school pupils, and all stairways above the first-floor level may be designed for either primary or grammar pupils.

No closet for storage shall be placed under any stairway.

All treads shall be covered with rubber or lead mats or equal nonslipping surface.

SEC. 14. [**Gradients.**] To overcome any difference in floor levels which would require less than three risers, gradients shall be employed of not over 1-inch rise in 12-inch run.

Floors at all exits shall be so designed as to be level and flush with the adjacent floors.

SEC. 15. [**Passageways.**] No hall or passageway leading to a stairway or exit shall be less in width (of) [than] the stairway or exit, as the case may be.

Halls and passageways shall be so designed and proportioned as to prevent congestion and confusion.

SEC. 16. [**Elevators.**] Elevators shall be inclosed in standard fire walls, or by fireproof walls, ceilings, and floors, and all openings to the inclosures shall be covered by standard fire doors for elevators.

SEC. 17. [**Exit doors and windows.**] Exit doors shall not be less than 3 feet wide, nor less than 6 feet 4 inches high, level with the floor, swing outward, viz., toward the open, or toward the natural means of egress, and shall be so hung as not to interfere with passageways or close other openings.

No single door or leaf to a double door shall be more than 4 feet wide. No two doors hinged together shall be used as a means of ingress or egress. Accordion doors may be used in dividing classrooms, providing the free sections swing outward and give the required amount of exit width.

No double acting, rolling, sliding, or revolving exit or entrance doors shall be used.

Exit windows leading to "A" standard fire escapes shall have the lower sash hinged to the side to swing out, or hung on weights to (rise) [raise]. This sash shall not be less than 2 feet 6 inches wide, not less than 3 feet high, and not more than 2 feet above the floor line.

SEC. 18. [**Scuttles.**] Every building exceeding 25 feet in height shall have in the roof a bulkhead or scuttle not less than 2 feet wide and not less than 3 feet long, covered on the outside with metal and provided with a stairway or permanent ladder leading thereto.

Bulkhead and scuttle doors shall never be locked.

SEC. 19. [**Special Construction.**] All floors to toilet rooms, lavatories, water-closet compartments, or any inclosure where plumbing fixtures are used within the building shall have a waterproof floor and base made of nonabsorbent indestructible waterproof material, viz.: Asphalt, glass, marble, vitrified or glazed tile or terrazzo, or monolothic composition.

Base shall be not less than 6 inches high and shall have a sanitary cove at the floor level.

All basement rooms used by the pupils or public shall have a damp [proof] or waterproof floor.

All basement ceilings except where concrete or brick is used shall be plastered or be covered with pressed or rolled steel ceiling.

Whenever possible, window and door jambs shall be rounded and plastered, except in museums, libraries, and art galleries.

All interior wood finish shall be as small as possible and free from unnecessary dust catchers.

All floors between the finished portions of the building shall be deadened or made sound proof.

SEC. 20. [**Floor and roof loads.**] In calculating construction the superimposed load uniformly distributed on the various floors and roofs shall be assumed at not less than the following, viz.:

Class rooms, 60 pounds per square foot.

Halls, assembly halls, stairs, and corridors, 80 pounds per square foot.

Museums, libraries, and art galleries, 100 pounds per square foot.

Attics not used for storage, 20 pounds per square foot.

Roofs, 40 pounds per square foot.

SEC. 21. [**Heating and ventilat(ion) [ing].**] A heating system shall be installed which will uniformly heat all corridors, hallways, playrooms, toilet rooms, recreation rooms, assembly rooms, gymnasiums, and manual-training rooms to a uniform temperature of 65° in zero weather, and will uniformly heat all other parts of the building to 70° in zero weather.

Exceptions. Rooms with one or more open sides used for open-air or outdoor treatment.

The heating system shall be combined with a system of ventilation which will change the air in all parts of the building except the corridors, halls, and storage closets not less than six times per hour.

The heating system to be installed where a change of air is required shall be either standard ventilating stoves, gravity or mechanical furnaces, gravity indirect steam or hot water, or a mechanical indirect steam or hot-water system.

Where wardrobes are not separated from the classroom they shall be considered as part of the classroom and the vent register shall be placed in the wardrobe.

(These) [Where] wardrobes are separated from the classrooms, they shall be separately heated and ventilated the same as the classrooms.

The bottom of warm-air registers shall be placed not less than 8 feet above the floor line, except foot warmers, which may be placed in the floors of the main corridors or lobbies.

Vent registers shall be placed not more than 2 inches above the floor line.

The fresh-air supply shall be taken from the outside of the building and no vitiated air shall be reheated. The vitiated air shall be conducted through flues or ducts and be discharged above the roof of the building.

A hood shall be placed over each and every stove in the domestic-science room, over each and every compartment desk or demonstration table in the chemical laboratories and chemical laboratory lecture rooms, of such a size as to receive and carry off all offensive odors, fumes, and gases.

These ducts shall be connected to vertical ventilating flues placed in the walls and shall be independent of the room ventilation as previously provided for.

Where electric current is available electric exhaust fans shall be placed in the ducts or flues from the stove fixtures in domestic-science rooms and chemical laboratories, and where electric current is not available and a steam or hot-water system is used, the main vertical flues from the above ducts shall be provided with accelerating coils of proper size to create sufficient draft to carry away all fumes and offensive odors.

SEC. 22. [Sanitation.] Where a water supply and sewerage system are available a sanitary equipment shall be installed as follows:

In the superstructure of the building one sink and one drinking fountain shall be installed on each floor to each 6,000 square feet of floor area or less.

In the basement one sink and one drinking fountain shall be installed on the males' side and the same on the females' side to each 350 pupils or less.

Sinks shall be the ordinary slop sinks, or, in lieu of same, lavatories may be used providing the waste plug or stopper has been removed.

Sanitary schoolhouse drinking fountains with jet giving a continuous flow of water shall be installed, and no tin cups or tumblers shall be allowed in or about any school building.

In libraries, museums, and art galleries there shall be provided the following fixtures, viz.:

One water-closet to each 100 females or less.

One water-closet to each 200 males or less.

One urinal to each 200 males or less.

The above to be based upon the actual number of persons to be accommodated, the capacity being established as prescribed under section 12, Means of Egress.

In all other school buildings there shall be provided the following fixtures, viz.:

One water-closet for each 15 females or less.

One water-closet for each 25 males or less.

One urinal for each 15 males or less.

Toilet accommodations for males and females shall be placed in separate rooms, with a traveling distance between the same of not less than 20 feet.

Juvenile or short closets shall be used for primary and grammar-grade schools. This does not apply when latrine closets are used.

In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females.

Where water-supply and sewerage systems are not available no sanitary equipment shall be installed within the building, but pumps in lieu of drinking fountains, closets, and urinals in the above proportions shall be placed upon the school building grounds, and no closets or urinals shall be placed nearer any occupied building than 50 feet.

Where pumps or hydrants are used the outlet shall be inverted.

Buildings more than three stories in height shall be provided with toilet rooms in each story and basement, and in these shall be installed water-closets and urinals in the above required ratios in proportion to the number of persons to be accommodated in the various stories.

Toilet rooms for males shall be clearly marked "Boys' toilet" or "Men's toilet" and for females "Girls' toilet" or "Women's toilet."

SEC. 23. [**Gas lighting.**] A system of gas lighting if used shall be installed as follows:

All outlets in class and recitation rooms shall be dropped from the ceiling and be equally distributed so as to uniformly light the room.

The number of burners provided shall not be less than the following:

In auditoriums one 3-foot burner to each 15 square feet of floor area.

In gymnasiums one 3-foot burner to each 15 square feet of floor area.

In halls and stairways one 3-foot burner to each 24 square feet of floor area.

In class and recitation rooms one 3-foot burner to each 12 square feet of floor area.

Inclosed fireproof stairways, service stairways, corridors, passageways, and toilet rooms shall be well lighted by artificial light, and said lights shall be kept burning when the building is occupied after dark.

Burners shall be placed 7 feet above the floor line.

No swinging or movable gas fixtures or brackets shall be used.

SEC. 24. [**Electric work.**] An electric-lighting system if used shall be installed as follows:

All wiring shall be done in conduit. All outlets in class and recitation rooms shall be dropped from the ceiling and be equally distributed so as to uniformly light the room.

The candlepower of lamps provided shall not be less than the following, viz.:

Auditorium, 1 candlepower to $2\frac{1}{2}$ square feet of floor area.

Gymnasium, 1 candlepower to $2\frac{1}{2}$ square feet of floor area.

Halls and stairways, 1 candlepower to 4 square feet of floor area.

Class and recitation rooms, 1 candlepower to 2 square feet of floor area.

Inclosed fireproof stairways, service stairways, corridors, passageways, and toilet rooms shall be lighted by artificial light, and said lights shall be kept burning when the building is occupied after dark.

SEC. 25. [**Finishing hardware.**] All entrance, exit, and emergency doors shall be equipped with hardware of such [a] nature as to be always unlockable from within.

Single outside entrance doors shall have key locks that can be locked from the outside, but can always be opened on the inside by simply turning the knob or lever or by pushing against a bar or plate, whether same are locked on the outside or not, the locks being operated by key from the outside only. No night-latch attachment shall be placed on face of these locks, or other bolts, hooks, thumb knobs, or other locking device shall be placed on these doors.

Outside doors used for exit purposes only, including doors to inclosed fire-proof stairways, shall have one knob latch or a double extension bolt as hereinafter mentioned, and no bolts, hooks, or other locking device shall be placed on these doors.

Doors from halls to rooms and cloakrooms shall have no locks

upon same, but shall be equipped with knob latches only. If locks are desired, the same style locks as above specified for entrance doors shall be used and the same shall be so placed on the door (so) that they can be locked on the hall side and can always be opened on the room or cloakroom sides, whether locked on hall side or not.

One of each pair of outside or inside double doors shall have a double extension panic bolt on same, bolt to have knob, lever, push bar, push plate, push handle, or devise whereby the simple act of turning a knob or lever or pushing against the same will release the top and bottom bolts at the same time and allow the doors to open.

Independent top and bottom bolts shall not be used.

The outer door of each pair of outside and inside double doors shall have lock, or latch as above specified.

All bolts, latches, face of locks, working parts of extension bolts, and other exposed working parts about this hardware shall be of cast metal properly protected from corrosion.

Double box windows to A standard fire escapes shall be provided with sash locks and two bar lifts, and hinged sash with either a sash lock, one-knob latch, or lever bolt.

SEC. 26. [**Fire extinguishers.**] Standard stand pipe and hose shall be provided in basement of grade A buildings and in each story and basement of grade B buildings with sufficient length of 1½-inch hose to reach any part of the story.

Hose lengths shall be not more than 75 feet, and where hose of such length will not reach the extreme portions of the story additional standpipes and hose shall be provided.

Where water supply is not available, standard chemical fire extinguishers shall be provided in the proportion of one extinguisher to each 2,000 square feet of floor area or less.

Standard chemical fire extinguishers shall be provided in each story above the basement of grade A buildings in the proportion of one extinguisher to each 2,000 square feet of floor area or less.

All fire extinguishers shall be prominently exposed to view and always accessible.

SEC. 27. [**Fire alarm.**] All buildings with basement, and all buildings over one story high shall be provided with 8-inch in diameter trip fire gongs, with connections enabling the ringing of same from any story or basement.

In semidetached buildings gongs shall be provided for each section and shall be connected up so as to ring simultaneously from any story or basement of either section.

Gongs shall be centrally located in the main halls, and the operating cords shall be placed so as to be always accessible.

Exceptions. — In institutions for the deaf, electric lights with red globes shall be placed near each teacher's desk, and these shall be operated simultaneously by switches placed in each story and basement.

SEC. 28. [**Blowers in workshops.**] For blowers in workshops and factories, including rooms for manual training, see General Code, State of Ohio, section No. 1027.

SEC. 29. [**Guarding machinery and pits.**] For the necessary devices for guarding machinery and pits, see General Code, State of Ohio, section No. 1027.

PART 3

STANDARD DEVICES

Preamble to Part 3

Under the different titles of part 3 will be found detailed descriptions of, or specifications for, the various standard devices to which reference is made under the several titles of part 2.

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Title 9. — Standard Inclosed Fireproof Stairways

SECTION 1. [**Where used.**] Standard inclosed fireproof stairways shall be used as one means of egress from the second story of school buildings of A grade; may be used in place of fire escapes for theaters and in place of the ordinary service stairways and fire escapes for all other buildings.

SEC. 2. [**General construction.**] These stairways shall be inclosed by fire-proof walls, ceilings, and floors (see part 3, title 2), and the doors leading to the same need not be fireproof. All landings and platforms shall be of brick or hollow-tile arches, stone, or reenforced concrete, and all steps shall be of either reenforced concrete or of stone laid with an absolutely tight cement joint.

Stairways shall be provided with sufficient number of windows, transom or sash doors to properly light the same, and such windows, transoms, or doors shall be placed in the external walls of the building.

Platforms, landings and treads shall be finished with a roughened face.

The same inclosure may be used for two or more stairways, providing there is no direct connection between any two stairways or stories, and such divisions are constructed of incombustible material.

Or the same stairway may be used for two or more stories, providing entrance to the same at each story or tier is gained by an exit door leading to an open balcony or platform placed beyond the wall of the building, from which platform or balcony an exit door shall lead directly to the inclosed fireproof stairway.

The traveling distance between the above doors shall be not less than 5 feet.

The above platforms or balconies may be constructed according to either the B, C, or D standard fire-escape requirements or shall be built of fireproof materials and be inclosed by a substantial railing not less than 3 feet high, made of combustible material.

SEC. 3. [**Detailed construction.**] Stairways shall be of the width as required for exits and be constructed and equipped the same as called for for stairways under the various titles of part 2 unless otherwise above mentioned.

SEC. 4. [**Grade-line doors.**] Exit doors shall be placed at the grade-line platform, the width of which shall be equal to the greatest width of the stairway, and such doors shall open onto streets or alleys or to open courts leading to public highways.

SEC. 5. [**Incumbrances.**] Inclosed fireproof stairways shall be kept free from incumbrances or obstructions at all times, and all courts or passageways leading from the inclosed fireproof stairs to public highways shall not be used for storage or any other purpose whatsoever, except for means of egress or ingress.

Title 10. — Standard Ventilating Stove

SECTION 1. [**Stove.**] A standard ventilating stove may be any style or design of heating stove, placed within the room to be warmed and ventilated, and shall be inclosed in a jacket made of galvanized or black iron. Jacket shall extend from the stove tray to a point 4 inches above the top of the stove.

SEC. 2. [**Fresh-air supply.**] Fresh-air supply shall be taken from outside the building, be carried to the stove below the floor line either in vitrified sewer pipe, masonry ducts, or ducts made of wrought iron or steel of not less than $\frac{3}{16}$ inch in thickness, riveted together with tight joints.

Ducts shall be turned up and discharged under the center of the stove, from which point the air shall ascend between the radiating surface of the stove and jacket and enter the room from the top of the stove.

SEC. 3. [**Tray.**] Stove shall be placed on a cast-iron tray raised 3 inches above the floor line, of the same size as the inclosing jacket, provided with an opening of proper size to receive the

fresh-air duct and projecting beyond the stove door 1 foot in all directions. Stove door shall be provided with a metal collar extending from the face of the stove to the face of the jacket.

SEC. 4. [**Smoke pipe.**] No smoke pipe connection between the stove and the smoke flue shall be more than 5 feet long, measuring horizontally.

SEC. 5. [**Ventilation.**] Each room in which a standard ventilating stove is installed shall be provided with a ventilating flue placed close to the stove.

The vent flue shall be of the same area as the fresh-air supply and run through and above the roof. Vent flues of not over 150 square inches of area shall be inclosed with walls of brick or concrete not less than 4 inches thick, and vent flues of a larger area shall be made of brick walls not less than 8 inches thick, brick walls 4 inches thick lined with tile flue lining, or monolithic concrete walls not less than 4 inches thick.

Openings to vent flues shall be placed at the floor line, and if vent registers are used the same shall be 50 per cent larger than the area of the flue.

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PART 4

SANITATION

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Title 11. — Fixtures

SECTION 1. [**Materials.**] All receptacles used for water-closets, urinals, or otherwise for the disposal of human excreta, shall be either vitrified earthenware, hard natural stone, or cast iron white porcelain enameled on inside. If cast iron is used, it shall be enameled or painted on the outside with at least three coats of nonabsorbent and noncorrosive paint.

SEC. 2. [**Water-closet bowls.**] The bowls and traps for water-closets shall be made in one piece and of such shape and form as to hold a sufficient quantity of water when filled up to the trap overflow so as to completely submerge any matter deposited in them and properly flush and scour the soil pipe when the contents of the bowl are discharged, except that nothing in this section shall apply to latrine closets.

SEC. 3. [**Visible trap seal.**] All water-closets, pedestal urinals, or slop sinks with trap combined shall have visible trap seals.

SEC. 4. [**Flushing rims.**] All water-closets or pedestal urinals

shall be provided with flushing rims, constructed so as to flush the entire interior surface of the bowl thereof with water as prescribed in subsequent sections of this title.

SEC. 5. [**Open plumbing.**] All plumbing fixtures shall be installed or set free and open from all inclosing work.

Where practicable all pipes from fixtures shall be run to the wall.

SEC. 6. [**Low down closets.**] Water-closets with low down tanks shall be of a siphon pattern, provided with refilling devises.

SEC. 7. [**Water-closets prohibited.**] Pan, valve, plunger, offset washout, and other water-closets except latrines having invisible seals or an unventilated space, or the walls of which are not thoroughly washed at each discharge, are prohibited.

Long hopper water-closets and similar appliances shall not hereafter be installed in any building.

The provisions of this section shall also apply to the dry closet system or other system of closets in which the venting, back venting, or local venting is to be made otherwise than in this code prescribed.

SEC. 8. [**Urinals.**] All urinals, troughs, or gutters other than these heretofore prescribed shall be constructed of materials impervious to moisture and that will not corrode under the action of urine. When floor gutters are used as urinals the gutters shall be made with Portland cement or other impervious material, and the floors and wall within 5 feet of such gutter shall be made equally water-tight and impervious. In districts having no sewer connections copper or galvanized iron urinal troughs may be used in outhouses, sheds, barns, and in yards, and at least 20 feet distant from any building of a better grade.

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SEC. 11. [**Latrines and range closets.**] Latrine or range water-closets shall be made of cast iron with all interior surfaces white porcelain enameled and all other surfaces coated with noncorrosive paint, or latrines or range closets may be of vitreous earthenware thoroughly glazed.

Latrines or ranges shall have flushing rims or other means of adequately flushing the front and rear inside surfaces constantly or at intervals. If pipes are used for such purposes they shall be made of brass.

Latrines or ranges shall be provided with automatic dumping tanks which shall discharge at intervals of not more than 10 minutes and supply to each single latrine or range not less than 10 gallons of water at each discharge. The entire volume of water shall be delivered at once at one end of the latrine or range, passing over

the entire length of the same and discharging at the other end through the sewer trap. Latrines in school buildings shall be flushed at least every three minutes during recess periods.

The bottom of latrines or ranges shall have a depression under the center of each seat that shall retain a body of water at least $1\frac{1}{2}$ inches deep over an area of 6 inches in diameter, gradually diminishing in all directions so that the surface of the water retained shall not be less than 60 square inches.

There shall be an opening back of each seat of not less than 10 square inches of area, covered by a screen of noncorroding material.

The local vent duct within 4 feet of the floor line shall be of not less than No. 27 copper, with riveted and soldered joints, shall be graduated in size in proportion to the fixtures added, and shall be installed in such a manner as to be self-draining.

Where electric current or water pressure is available, local vent ducts shall be connected to a ventilating flue provided with an electric or hydraulic exhaust fan of such a capacity or size as to create sufficient draft to carry off all offensive odors. Where electric current or water pressure is not available, ventilating flues with stack heaters shall be provided.

Covers shall be so attached that all interior surfaces of the latrines and ranges can be exposed to view.

No latrine or range shall have more than eight compartments, and each latrine or range shall have a separate trap not less than 6 inches, with a 4-inch clean out which shall be back vented by a 4-inch pipe.

There shall be an iron top for each latrine or range section porcelain coated on the under side, and each iron top shall be covered by a square oak seat and lid properly reenforced.

Wood seats shall be thoroughly painted on the bottom and be varnished throughout; put together with brass hinges, cast-iron braces, and brackets to make them closed when not held up, and so equipped that they can not be tampered with and can be easily opened for cleaning.

Latrines and ranges shall be substantially supported and be graduated for the proper fall toward the outlet.

Sec. 12. [**Frost-proof closets — where permissible.**] Frost-proof closets may only be installed in compartments which have no direct connection with any building used for human habitation or occupancy. The soil pipe between the hopper and the trap shall be not less than 3 inches in diameter and shall be either lead or cast iron enameled on the inside.

Sec. 13. [**Water supply to fixtures.**] All water-closets, urinals, or other plumbing fixtures shall be provided with a sufficient supply

of water for flushings, to keep them in a proper and sanitary condition.

Sec. 14. [**Water-closet supply.**] No water-closet or urinal bowl shall be supplied directly from the water-supply pipes, excepting anti-freezing closets. Every water-closet or urinal bowl shall be indirectly flushed through a flushing tank of at least 4 gallons capacity for water-closet and 2 gallons for urinals. The tank shall be properly supplied with water and the flush pipe to the water-closet or urinal shall be at least $1\frac{1}{4}$ inches in diameter, except for outside hoppers and urinals.

Sec. 15. [**Flushing tanks — Groups of fixtures.**] A group of urinals, on the same floor, subject to constant use, as in schools and factories, may be supplied from one tank if provided with an automatic simultaneous flush, provided that each individual urinal shall receive not less than 1 gallon of water at each flushing and the discharge is of such force as to cleanse each individual bowl at each flush.

Sec. 16. [**Automatic flushing tanks.**] All urinals having either intermittent or automatic flushing devices shall be flushed at regular intervals not to exceed 10 minutes each during the hours that such fixtures are in use.

The backs of gutter stalls to the height of $3\frac{1}{2}$ feet shall be kept constantly moist with a proportionate supply of water while in use.

Sec. 17. [**Urinal trough and gutters.**] Urinal troughs and gutters shall be flushed either by an automatic flushing tank, the same as required for individual urinals, or may be flushed by a direct water supply through a brass pipe carried the full length of the trough, perforated every 2 inches.

Sec. 18. [**Flushing tanks.**] All valves of flushing tanks shall be so fitted and adjusted as to prevent the waste of water. The water from flushing tanks shall be used for no other purposes.

Title 12. — Toilet Rooms

Section 1. [**Toilet-room floors.**] All floors to toilet rooms, lavatories, water-closet compartments, or any other inclosure where plumbing fixtures are used within the building shall have a waterproof floor and base made of non-absorbent indestructible waterproof material, viz. asphalt, glass, marble, Portland cement, vitrified or glazed tile, or terrazzo or monolithic composition.

Base shall not be less than 6 inches high, and shall have a sanitary cove at the floor level.

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No water-closet shall be set directly on top of a wood floor.

Sec. 2. [**Sound-proof partitions.**] Where toilet rooms for males and females are adjacent to each other, they shall be separated by sound-proof partitions extending to the ceiling, and the entrance shall be screened and the traveling distance between them shall not be less than 20 feet.

Title 16. — Cesspools

Section 1. [**Cesspools permitted.**] Tight or leaching cesspools may be used to receive the discharge from water-closets and sinks only when written permission to that effect has been secured from the local board of health of the city in which the same is constructed, if in a city, and if not, then by the Ohio State Board of Health, and such permission can be given only when a public sewerage system is not available.

Sec. 2. [**Cesspools prohibited.**] No cesspools for sewage shall be constructed where a sewer is available, nor shall any connection from such cesspool be made with any sewer.

Cesspools now existing in premises accessible to a sewer, and cesspools that may hereafter become accessible to a sewer, must be discontinued, emptied of their contents, cleaned out, and be filled with earth or ashes, and the house sewer shall be disconnected from the old cesspool and be reconnected with the public sewer.

Sec. 3. [**Sewage cesspools.**] Where a public sewer is not available, and written authority has been secured from the proper board of health (see sec. 1) to construct such cesspool, and there is sufficient grounds for the purpose, a water-tight cesspool may be used to receive the discharge of house sewage, which may be overflowed to a leaching cesspool, providing there is no danger of contaminating a water supply, well, or spring, and the soil is of an absorbent character. Otherwise a tight cesspool shall only receive the discharge from water-closets and sinks, and the waste from all other fixtures shall discharge to a surface-water course.

Sec. 4. [**Tight cesspools.**] A water-tight cesspool for drainage shall not be less than 6 feet in diameter by 10 feet deep in clear, or its equivalent oval, built of cast iron, hard brick, 8 inches thick, laid in Portland cement mortar and plastered on the inside with a 1-inch coat of Portland cement mortar, or Portland cement concrete 8 inches thick, and made water-tight.

Sec. 5. [**Leaching cesspools.**] A leaching cesspool shall be not less than the dimensions of the water-tight cesspool, lined with dry brick or stone, viz., without mortar.

Sec. 6. [**Ring and cover.**] Tight and leaching cesspools shall be provided with a 20-inch cast-iron ring and cover.

SEC. 7. [**Location of cesspools.**] No tight cesspool shall be placed within 2 feet of any lot, or 20 feet of any building or cistern, or 30 feet from any well, spring, or other source of water supply used for drinking or culinary purposes, and shall be maintained tight.

No leaching cesspool shall be placed within 100 feet of any dwelling or water-tight cistern or within 300 feet of the source of any water supply.

SEC. 8. [**Cesspool vents.**] Tight cesspools shall be vented with 4-inch cast-iron vent pipe extending not less than 10 feet above the ground and not less than 20 feet from any window, door, or other opening in buildings used for human habitation.

SEC. 9. [**Piping.**] The outlet from the tight cesspool shall be through a deep invert the same size as the house sewer, and the piping between the tight and leaching cesspool may be either of earthenware or cast iron.

Title 17. — Septic Tanks

SECTION 1. [**Permission to construct and use.**] Septic tanks and filtration beds can be constructed only after the site has been inspected and the plans and specifications for the construction of the same approved by the Ohio State Board of Health, and no such tank or bed can be used to receive human or animal excreta until after the construction and equipment of the same has been approved in writing by the Ohio State Board of Health.

Title 18. — Vaults

SECTION 1. [**Privy vaults permitted.**] Privy vaults may be constructed only on premises where water and sewers are not accessible.

SEC. 2. [**Privy vaults prohibited.**] Privy vaults shall not be constructed where a sewerage system is available, nor on any lot where in cleaning the night soil would have to be carried through any building or human habitation, nor shall any old vault be connected to a sewer.

Vaults now existing on premises accessible to a sewer shall be cleaned to the bottom and filled with ashes or earth.

SEC. 3. [**Location of vault.**] No vault, manure pit, open-top cesspool, septic tank, or other reservoir which is used as a privy or receptacle for human or animal excreta shall be located within 2 feet of any lot or alley line, or 20 feet of any street line or any building of human habitation or occupancy, or within 50 feet of any

cistern, well, spring, or other source of water supply used for drinking or culinary purposes, whether they are located on the same or an adjoining lot or premises.

Exception. — No privy vault shall be located within 50 feet of any school building.

SEC. 4. [**Construction of vaults.**] All vaults, pits, or other open-top reservoirs described in section 3 shall be made of either brick or concrete. The walls of such vaults, if made of brick, shall be of hard-burned sewer brick not less than 8 inches thick, laid in Portland cement mortar, and the walls plastered outside and inside with a half-inch coat of Portland cement mortar in proportion of one part of Portland cement and two parts of clean, sharp sand. After this coating is put on it shall be given one coat wash of liquid Portland cement. The bottom shall be at least three-brick course, laid in cement mortar, or of Portland cement concrete 8 inches thick.

When Portland cement concrete is used to construct vaults the walls shall be at least 6 inches thick, laid to a form, and the concrete shall be made of one part of live Portland cement, three parts of clean sharp sand, five parts crushed stone, free from dust, and of sizes between $\frac{1}{4}$ and $1\frac{1}{2}$ inches in largest diameter, and shall be plastered and grouted inside and out as prescribed above for brick construction.

Vaults shall be made tight and their walls continued 12 inches above the ground surface to prevent surface drainage. No retempered cement shall be used.

If the vault is used in connection with an outhouse the vault shall be of such a shape and size as not to extend under any portion of the floor of the said outhouse, but only under the space occupied by the seats. Any portion of the vault extending beyond the walls of the outhouse shall be covered by a 4-inch brick arch, 4-inch stone flagging, reenforced concrete slab, or cast iron.

SEC. 5. [**Outhouses.**] Over each privy vault, which shall receive nothing but human excreta, there shall be placed an outhouse constructed as prescribed in title 12, section 3.

The seats shall be provided with tight-fitting covers, and the space underneath shall be ventilated by a vent pipe or box extending upward through and 3 feet above the roof. Such vent pipe shall be at least 6 inches square for every square yard or part thereof of vault surface.

SEC. 6. [**Clean-out doors.**] Vaults shall be provided with a clean-out extension not less than 2 by $1\frac{1}{2}$ feet in size, connecting directly with the vault.

Clean out shall be provided with a trapdoor the full size of the

clean out. Clean-out extension shall extend at least 1 foot above the grade line.

SEC. 7. [**Floors.**] Floors of outhouses shall be made as tight as possible.

SEC. 8. [**Outhouses for different sexes.**] Where outhouses are provided for the different sexes, if located within 40 feet of each other, the walks or approaches thereto shall be separated by a tight fence at least 6 feet high, but in no case shall such outhouses be located within 10 feet of each other.

III. THE SOCIAL USEFULNESS OF THE SCHOOL PLANT

The isolation of the school from the larger life of the community is nowhere better illustrated than in the case of the limited utilization of the school building for other than customary school purposes. In considerable measure this isolation has been a necessary condition for the protection and conservation of the school as property. During the pioneer period in all of the American states the school was, by a prevailing common consent, the natural center for those various group gatherings characteristic of the gregarious habit of all mankind. The passing of the early religious, racial, political and economic homogeneity, the rise of a decentralized form of government for the public school, and the constant urban flow of population have all contributed their share of influence for the legal establishment and the civic acceptance of the doctrine of the *insulation* of the schoolhouse from social contact.

The general legal principles governing the use of the school building may be briefly stated thus: In the absence of definite statute the authorities having control and possession of school property may authorize its use only for school purposes, or for such incidental uses as are not inconsistent with its use for school purposes. Various interpretations of what uses are or are not inconsistent with legitimate school purposes have been given by the courts of the different states.[1] One decision

[1] A good interpretative summary of the important court decisions on this question has been given by TRUSLER, H. R.: *Legal and Illegal Uses of School Buildings*, American School Board Journal, Vol. 47, pp. 9–10 (November, 1913). See also BUSH, J. H.: *Use of School Buildings for Other than School Purposes*, Case and Comment, Vol. 20, pp. 255–258 (September, 1913).

is given here as typical of these judicial interpretations. In it Judge Brewer, later a member of the United States Supreme Court, formulated the general accepted rule regarding the character of the legitimate use of the schoolhouse.

[Spencer *v.* Joint School-Dist. No. 6, etc., 15 Kan. Reports 202–205 (July Term, 1875).]

Injunction brought by Spencer, as plaintiff, against joint school-district No. 6 of Nemaha and Brown counties, as defendant, to restrain the use of the district school-house for other than school purposes. . . .

Brewer, J. This was an action brought to restrain the defendant from leasing its school-building for other than school purposes. Two questions are raised: *First*, does the plaintiff show such a peculiar and personal interest as will enable him to maintain the action? and, *second*, do the facts alleged disclose grounds for the relief sought?

The plaintiff alleges that "he is a resident of the school-district and tax-payer therein, and, as such tax-payer, has contributed his proportion of taxes for the building of the said school-house; that his children attend school therein; and that, by the improper uses of the building complained of, the books of his children are torn, soiled, carried away, lost, and misplaced, their copy-books written on, or thrown to the floor, their slates and pens broken, their ink stands upset, and their paper wasted and destroyed." We think this shows such an interest as entitles him to a hearing upon the question of the alleged misuser of the school-house. When he pays his taxes, he passes over so much money into the public fund, and the disposition of it is a public duty intrusted to certain public agents; and the fact that he has contributed by the payment of taxes to the creation of this public fund does not give him a right to challenge the manner of its use. Craft *v.* Jackson Co., 5 Kan. 518. He is but one of many contributors to the same fund. He has no personal interest in it. But here he shows that his own private property suffers from the alleged wrong-doings. The school books, etc., which he purchases for his children's use are his individual property. They belong in no sense to the public; and, though they may be but a few dollars in value, he is entitled to have those few dollars protected as fully as though thousands of dollars were in danger.

As misuser, he alleges that the "school-house is, by the order of the directors, leased and let to divers societies, meetings, and gatherings," and that thereby large assemblages of persons, both

children and adults, gather there, crowding the seats and desks; that these assemblages consume the fuel purchased with the public funds, tear the desks from their fastenings, and cut, scratch, and deface them; that some of these meetings are in the night-time, and that, at such meetings, kerosene or coal-oil is used, which is in violation of the terms of the insurance policy on the building, the premium of which has been paid out of the public funds; and that to accommodate one of these societies the building has been altered by erecting platforms, rostrums, closets, boxes, etc. In short, he alleges that this building, erected by public funds for the purpose of a school-house, is, by the order of the directors, used for a variety of purposes and gatherings wholly alien to schools and educational matters. It does not appear that this is done against the wishes or without the consent of a majority of the tax-payers and electors of the district, nor that the building is leased without receiving adequate rent. Indeed, the question as it comes before us may fairly be thus stated: May the majority of the tax-payers and electors in the school-district, for other than school purposes, use or permit the use of the school-house built with funds raised by taxation? The question is one which in view of the times, and the attacks made in so many places, and from so many directions, upon our public-school system, justifies, as it has received at our hands, most serious consideration. We are fully aware of the fact that all over the state the school-house is, by general consent, or at least without active opposition, used for a variety of purposes other than the holding of public schools. Sabbath schools of separate religious denominations, church assemblies, sometimes political meetings, social gatherings, etc., are held there. Now, none of these can be strictly considered among the purposes for which a public building can be erected, or taxation employed. But it often happens, particularly in our newer settlements, that there is no other public building than the school-house, — no place so convenient as that. The use for these purposes works little damage. It is used by the inhabitants of the district whose money has built it, and used for their profit or pleasure. Shall it be said that this is illegal? Doubtless, if all in the district are content, no question will ever be raised; and, on the other hand, if a majority object, the use for such purposes will cease. It is only when the majority favor, and a minority object, that the courts are appealed to. That minority may be but a single individual, — may be influenced by spite or revenge, or any other unworthy motive; but, whatever the motives which prompt the litigation, the decision must be in harmony with the absolute right of all. It seems to us that upon well-settled principles the question must

be answered in the negative. The public school-house cannot be used for any private purpose. The argument is a short one. Taxation is invoked to raise funds to erect the building; but taxation is illegitimate to provide for any private purpose. Taxation will not lie to raise funds to build a place for a religious society, a political society, or a social club. What cannot be done directly cannot be done indirectly. As you may not levy taxes to build a church, no more may you levy taxes to build a school-house and then lease it for a church. Nor is it an answer to say that its use for school purposes is not interfered with, and that the use for the other purposes works little, perhaps no immediately perceptible, injury to the building, and results in the receipt of immediate pecuniary benefit. The extent of the injury or benefit is something into which courts will not inquire. The character of the use is the only legitimate question. A municipal bond of five cents in aid of a purely private purpose is as void as one of a thousand dollars; and that, too, though the actual benefit to the municipality far exceeds the amount of the bond. The use of a public school-house for a single religious or political gathering is legally as unauthorized as its constant use therefor. True, a court of equity would not interfere by injunction after a single use, and where there was no likelihood of a repetition of the wrong, for it is only apprehended wrongs that equity will enjoin. Here the unauthorized use is charged as a frequent fact, and one likely to occur hereafter. It is unnecessary to pursue this discussion further, for it would be simply traveling over a road already well worn and dusty. Besides the authorities with which every lawyer is familiar, upon the power to use public funds or property for private purposes, we refer to the following as bearing upon the special phase of the question before us: Scofield *v.* Eighth School-dist., 27 Conn. 499, School-district No. 8 *v.* Arnold, 21 Wis. 657.

The judgment of the district court will be reversed, and the case remanded for further proceedings in accordance with the views herein expressed.

(All the justices concurring.)

IV. Wider Use of School Buildings

The statute of Wisconsin (1913) concerning the wider use of school buildings is indicative of the modern progressive tendency to break down the walls of isolation built up from custom, petty local government and technical legal rulings.

[*Wisconsin Laws*, 1913, Chapter 123.]

Where the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the presentation and discussion of public questions or for the promotion of public health by giving instruction in any topic relating thereto or in physical culture and hygiene or by the practicing of physical exercises and the presentation and discussion of topics relating thereto, the school board or other body having charge of the schoolhouses or other public properties which are capable of being used as meeting places for such organization, when not being used for their prime purpose, shall provide, free of charge, light, heat and janitor service, where necessary, and shall make such other provisions as may be necessary for the free and convenient use of such building or grounds, by such organization for weekly, biweekly or monthly gatherings at such times as the citizens' organization shall request or designate. All such gatherings shall be free to the public.

CHAPTER XX

HEALTH AND SANITARY CONTROL

The Physical Function of State Education. — Considered in the light of ultimate personal and social value, any educational scheme designed to serve a modern democratic state must accomplish several distinct, though related, ends. It must contribute, first of all, to the establishment and acceptance of the standards of individual conduct that make possible those sympathetic and mutually helpful relations underlying all social organization and progress; in other words, an ethical end, the constituent elements of which are appreciation and sympathy. It must contribute to the development of individual aptitudes and capacities requisite for participation in productive economic life. It must, furthermore, provide those conditions and means for the best protection and development of physical energy and vitality. Out of these three ends is compounded the larger primary purpose of the public school system, the strengthening and enlargement of the capacity of a people for those higher forms of political action which enable effective coöperation of all for the common welfare. The capital, however, with which society must conduct its civic, economic, and ethical affairs is derived in the last analysis from its own physical constitution. This constitution is grounded in the school and subject to important change through public education.

The regimentation of children in the state school has given to the physical end of public education a new and magnified significance. This significance is evidenced by the increasing suzerainty of the state over the physical conditions surrounding children, within and without the school. Their protection from infection and contagion, and from all other conditions

inimical to life and health during the years claimed by the state for education has resulted in the exercise of the police power of the state — most generally through state and local boards of health — in a way calculated to provide some certain guarantee that education will increase and not diminish the chances for health and physical efficiency.

I. Medical Inspection

Numerous laws authorizing the medical inspection and physical examination of school children have been enacted since the passage of the first law by Connecticut in 1899. The first mandatory law was that of Massachusetts (1906) which in its amended form has served as the basis for the principal portion of legislation on this subject in other states.

[*Massachusetts Law concerning Medical Inspection of Schools* (Acts, 1906, Chap. 502, as amended).]

Section 1. (*As amended by chapter 257, Acts of 1910.*) The school committee of every city and town in the commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed in this act; and shall assign one or more to perform the duty of examining children who apply for health certificates in accordance with this act: *provided, however*, that in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

Section 2. (*As amended by chapter 257, Acts of 1910.*) Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require. Every school physician who is assigned to perform the duty of examining children who apply for health certificates shall make a prompt examination of every child who wishes to obtain an age and schooling certificate, as provided in section sixty of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and who presents to said physician an employment ticket,

as provided in said section, and the physician shall certify in writing whether or not in his opinion such child is in sufficiently sound health and physically able to perform the work which the child intends to do.

SECTION 3. The school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the board of health after absence on account of illness or from unknown cause; and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in the case of schools in remote and isolated situations the school committee may make such other arrangements as may best carry out the purposes of this act.

SECTION 4. The school committee shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be sent to his parent or guardian. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chickenpox, tuberculosis, diphtheria or influenza, tonsilitis, whooping cough, mumps, scabies or trachoma, he shall be sent home immediately, or as soon as safe and proper conveyance can be found, and the board of health shall at once be notified.

SECTION 5. The school committee of every city and town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing shall be made by teachers. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the state board of education shall prescribe.

SECTION 6. The state board of health shall prescribe the directions for tests of sight and hearing and the state board of education shall, after consultation with the state board of health, prescribe and furnish to school committees suitable rules of instruction, test-cards, blanks, record books, and other useful appliances for carrying out the purposes of this act, and shall provide for pupils in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. The state board of education may expend during the year nineteen hundred and six

a sum not greater than fifteen hundred dollars, and annually thereafter a sum not greater than five hundred dollars for the purpose of supplying the material required by this act.

SECTION 7. * * *

SECTION 8. * * *

II. Regulation by State Boards of Health

The form and scope of the regulations made by state boards of health, having in many states the force of law, are illustrated by those of the Wisconsin board, adopted in January, 1913.[1]

Rule 17. Attendance at School, when Prohibited. All teachers, school authorities and health officers having jurisdiction shall not permit the attendance in any private, parochial or public school of any pupil afflicted with a severe cough, a severe cold, itch, lice or other vermin, or any contagious skin disease, or who is filthy in body or clothing, or who has any of the following dangerous, contagious or infectious diseases to-wit: Diphtheria, smallpox, scarlet fever, measles, whooping cough, chickenpox, mumps, pulmonary tuberculosis, Asiatic cholera (cholerine), yellow fever, typhus fever, bubonic plague, cerebro-spinal meningitis or acute anterior poliomyelitis. The teachers in all schools shall, without delay, send home any pupil who is obviously sick even if the ailment is unknown, and said teacher shall inform the parents or guardians of said pupil and also the local health officer as speedily as possible, and said health officer shall examine into the case and take such action as is reasonable and necessary for the benefit of the pupils and to prevent the spread of infection.

Rule 18. Duty of Parent. Parents, guardians or other persons having control of any child who is sick in any way, or who is afflicted with any disease listed in Rule 17, shall not permit said child to attend any public, private or parochial school or to be present in any public place.

Rule 19. Duty of Teachers, etc. School teachers, pupils or other persons shall not be admitted to any public, private or parochial school who have come from, or who reside in any house or building which harbors, or is infested with any disease listed in Rule 17, or who have recently been afflicted with such diseases,

[1] Consult Kerr, J. W., and Moll, A. A., *Organization, Powers, and Duties of Health Authorities.* (Public Health Bulletin, No. 54, U. S. Treasury Department, 1912) for a comprehensive analysis of the laws, regulations, judicial decisions, etc., for the entire United States.

unless they have the written permission of the local health officer having jurisdiction.

Rule 20. Air and Floor Space. Schoolhouses shall have in each classroom at least fifteen square feet of floor space, and not less than two hundred cubic feet of air space per pupil, and shall provide for an approved system of indirect heating and ventilation, by means of which each classroom shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil, and warmed to maintain an average temperature of 70 degrees Fahr. during the coldest weather.

Rule 21. Duty of Health Officers. Local health officers having jurisdiction shall dismiss forthwith any schoolroom in which at least 200 cubic feet of air space is not supplied to each pupil. The school authorities shall without delay make provisions for the pupils in accordance with the requirements stated in Rule 20.

Rule 22. Ventilation. Proper ventilation must be provided in all schoolrooms and when ventilation ducts do not exist, or are inadequate, it shall be the duty of the teacher to flood the schoolroom with fresh air by opening windows and doors at recess and noon time and also whenever the air becomes close and foul. Pupils should be given gymnastic exercises during the time the windows are open in cold weather.

When windows are the only means of ventilation they should be so constructed as to admit of ready adjustment both at the top and bottom, and some device shall be provided to protect the pupils from currents of cold air. The top of the windows shall be as near the ceiling as the mechanical construction of the building will allow.

Rule 23. Heating. It shall be unlawful for any school board, board of school directors, board of education, or other school officials in Wisconsin, to use a common heating stove for the purpose of heating any schoolroom, unless each such stove shall be in part enclosed within a shield or jacket made of galvanized iron or other suitable material, and of such height and so placed as to protect all pupils while seated at their desks from direct rays of heat.

Rule 24. Lighting. Light shall be admitted from the left, or from the left and rear of classrooms. The glass area of windows shall equal at least one-fifth of the floor area of the schoolroom, and no pupil shall be farther removed from the principal source of light than twenty-two feet.

Rule 25. Sweeping and Cleaning. All floors must be thoroughly swept, or cleaned by a vacuum cleaner each day, either after the close of school in the afternoon, or one hour before the

opening of school in the morning. Before sweeping is started the floors must be sprinkled with moist sawdust, or other substance so as to prevent the raising of dust. [The floors in all schoolrooms and halls should be thoroughly scrubbed with soap and water at least once each month.]

Rule 26. Drinking Water. All schoolhouses must be supplied with pure drinking water. If the drinking water is obtained from wells, satisfactory troughs and drains must be provided so as to carry away the waste water and prevent the creation of mudholes near the opening of the well. When water is not supplied at the pump, from water faucets, or from sanitary flowing drinking fountains, covered tanks or covered coolers, with free flowing faucets, must be supplied. All drinking fountains should be constructed of smooth glass or pressed metal.

Rule 27. Toilets. Water closets, dry closets and outhouses shall be kept clean and sanitary at all times. Water closets, and dry closets when provided, shall be efficient in every particular, and when said closets are not provided, then good fly-tight, well ventilated outhouses for both sexes, separated by closely built fences, shall be provided. Good, dry walks shall lead to all outhouses, and closely built screens, or shields, shall be built in front of them. Outhouses for males shall have urinals arranged with stalls and with conduits of galvanized iron, or other impervious material, draining into a sewer, vault, or other suitable place.

Rule 28. Health officers shall enforce these rules, and promptly enter prosecution for any violation thereof.

Note. In order to comply with the provisions of Rule 20, regarding heating and ventilation, the state board of health makes the following recommendations with reference to the installation of heating and ventilating systems in new buildings or in buildings where a change must be made in the system:

1. In a gravity system of ventilation in connection with a furnace or steam plant the flues for admitting fresh air to the room must have a horizontal area of not less than one square foot for each nine persons that the room will accommodate.

2. The flues for a fan system of ventilation shall have a horizontal area of not less than one square foot for each 15 persons that the room will accommodate. The ventilation of school buildings by this system must be so designed that the air pressure in any classroom will be in excess of that of the outside air.

3. The introduction of cold air from the outside of the building at the base of a direct radiator known as the "direct indirect" system of ventilation must not be used.

4. One or two room buildings, heated by hot air, stoves or fur-

naces should have a cold air intake, the cross section of which is equal to 0.004 of the floor area of the room or rooms heated. The vent flues should have a net area equal to that of the cold air intake.

III. Vaccination

No problem of the health and sanitary control of public schools has presented more complications than that of compulsory vaccination. This question, apparently in all of its possible aspects, has been frequently submitted for determination to all grades of courts from those of minor local jurisdiction to the Supreme Court of the United States. All disputes regarding the right of state legislatures, in the exercise of the police power, to enact statutes making vaccination compulsory were definitely settled by the decision of the United States Supreme Court in the case of Jacobson *v.* Massachusetts (197 U. S. 11). "It is within the police power of a State to enact a compulsory vaccination law, and it is for the legislature, and not for the courts, to determine in the first instance whether vaccination is or is not its best mode for the prevention of small pox and the protection of the public health." This Court had already enunciated, in the case of Lawton *v.* Steele (152 U. S. 136), the principle that the state might require the compulsory vaccination of children. "The extent and limits of what is known as the police power have been a fruitful subject for discussion in the Appellate Courts of nearly every state in the Union. It is universally conceded to include everything essential to public safety, health, and morals. . . . Under this power it has been held that the state may order . . . the compulsory vaccination of children." The New York decision included here presents the fundamental questions of public policy and of educational control raised by the vaccination issue in its relation to the health of children and the sanitation of schools.[1]

[1] Kerr, J. W., *Vaccination* (Public Health Bulletin No. 52, U. S. Treasury Department, 1912), contains a comprehensive analysis of the laws, regulations and judicial decisions for the United States, and also a summary of the vaccination laws of certain foreign countries.

[Viemeister *v.* White, president of board of education, *et al.* (Court of Appeals of New York, October 18, 1904), 72 N. E. 97.]

Appeal from supreme court, appellate division, second department.

Application of Edmund C. Viemeister for writ of mandamus to Patrick J. White, president of the board of education of the borough of Queens, and others. From a judgment of the appellate division (84 N. Y. Supp., 712), affirming an order of the special term denying the writ, relator appeals. Affirmed.

VANN, J. The relator moved for a writ of mandamus to compel the officers having control of a public school in the county of Queens to readmit his child, a lad of 10 years of age, to said school without requiring him to be vaccinated. It appeared from the moving papers that the boy had been in regular attendance at the school, and that the principal thereof, pursuant to the instructions of the board of education, had excluded him therefrom, because he refused to be vaccinated. It appeared from the papers read in opposition to the motion that when the relator's son was excluded from the school there was a regulation of the board of education in full force which provided that "no pupil shall be allowed to attend any school, nor shall any teacher be employed in the same, unless such pupil or teacher has been vaccinated." It further appeared that the lad had never been vaccinated, and that he refused to submit to vaccination; but it was not alleged that at the time of such exclusion smallpox was prevalent in the neighborhood, or that there was any special danger, from recent exposure or other causes, of an immediate spread of the disease.

The constitution requires the legislature to "provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated." Constitution, article 9, section 1. The public-health law provides that "no child or person not vaccinated shall be admitted or received into any of the public schools of the State, and the trustees or other officers having the charge, management, or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated. . . ." Public-health law, Laws, 1893, page 1495, chapter 661, section 200, renumbered section 210 by Laws of 1900, page 1484, chapter 667, section 2. The same law provides for the free vaccination of children of suitable age who wish to attend the public schools, provided their parents or guardians are unable to procure vaccination for them. This is a reenactment of a statute containing the same provisions

in substance, passed in 1860, which remained in force until the passage of the public health law in 1893. Laws, 1860, page 761, chapter 438.

The question presented is whether the legislature is prohibited by the constitution from enacting that such children as have not been vaccinated shall be excluded from the public schools. The appellant claims that the public-health law places an unreasonable restriction upon the right of his child to attend school, and that it violates the section of the constitution already quoted, as well as the general guaranties for the protection of the rights, privileges, and liberties of the citizen. Constitution, article 1, sections 1, 6. The respondents claim that the object and effect of such legislation is the protection of the public health, and hence that it is a valid exercise of the police power. The police power, which belongs to every sovereign State, may be exerted by the legislature, subject to the limitations of the constitution, whenever the exercise thereof will promote the public health, safety, or welfare. The power of the legislature to decide what laws are necessary to secure these objects is subject to the power of the courts to decide whether an act purporting to promote the public health or safety has such a reasonable connection therewith as to appear upon inspection to be adapted to that end. A statute entitled a health law must be a health law in fact as well as in name, and must not attempt in the name of the police power to effect a purpose having no adequate connection with the common good. As we have recently said, it " must tend in a degree that is perceptible and clear toward the preservation of the . . . health . . . or welfare of the community, as those words have been used and construed in the many cases heretofore decided." Health Department of New York *v.* Rector, etc., 145 N. Y., 32, 39; 39 N. E., 833; 45 Am. Stat. Rep., 579. When the sole object and general tendency of legislation is to promote the public health, there is no invasion of the constitution, even if the enforcement of the law interferes to some extent with liberty or property. These principles are so well established as to require no discussion, and we cite but a few out of many authorities relating to the subject. (Matter of Jacobs, 98 N. Y., 98, 108; 50 Am. Rep., 636. People *v.* Marx, 99 N. Y., 377; 2 N. E., 29; 52 Am. Rep., 34. People *v.* Arensberg, 105 N. Y., 123; 11 N. E., 277; 59 Am. Rep., 483. People *v.* Gillson, 109 N. Y., 389; 17 N. E., 343; 4 Am. Stat. Rep., 465. People *v.* Ewer, 141 N. Y., 129; 36 N. E., 4; 25 L. R. A., 794; 38 Am. Stat. Rep., 788. People ex rel. Nechamcus *v.* Warden, etc., 144 N. Y., 529; 39 N. E., 686; 27 L. R. A., 718. People *v.* Havnor, 149 N. Y., 195; 43 N. E., 541; 31 L. R. A., 689; 52 Am. Stat. Rep., 707.

People *v.* Adirondack Ry. Co., 160 N. Y., 225, 236; 54 N. E., 689. People *v.* Lochner, 177 N. Y., 145; 69 N. E., 373.)

The right to attend the public schools of the State is necessarily subject to some restrictions and limitations in the interest of the public health. A child afflicted with leprosy, smallpox, scarlet fever, or any other disease which is both dangerous and contagious may be lawfully excluded from attendance so long as the danger of contagion continues. Public health, as well as the interest of the school, requires this, as otherwise the school might be broken up and a pestilence spread abroad in the community. So a child recently exposed to such a disease may be denied the privilege of our schools until all danger shall have passed. Smallpox is known of all to be a dangerous and contagious disease. If vaccination strongly tends to prevent the transmission or spread of this disease, it logically follows that children may be refused admission to the public schools until they have been vaccinated. The appellant claims that vaccination does not tend to prevent smallpox, but tends to bring about other diseases, and that it does much harm, with no good.

It must be conceded that some laymen, both learned and unlearned, and some physicians of great skill and repute, do not believe that vaccination is a preventive of smallpox. The common belief, however, is that it has a decided tendency to prevent the spread of this fearful disease and to render it less dangerous to those who contract it. While not accepted by all, it is accepted by the mass of the people, as well as by most members of the medical profession. It has been general in our State and in most civilized nations for generations. It is generally accepted in theory and generally applied in practice, both by the voluntary action of the people and in obedience to the command of law. Nearly every State of the Union has statutes to encourage or directly or indirectly to require vaccination, and this is true of most nations of Europe. It is required in nearly all the armies and navies of the world. Vaccination has been compulsory in England since 1854, and the last act upon the subject, passed in 1898, requires every child born in England to be vaccinated within six months of its birth. It became compulsory in Bavaria in 1807; Denmark, 1810; Sweden, 1814; Württemberg, Hesse, and other German States, 1818; Prussia, 1835; Roumania, 1874; Hungary, 1876; and Servia, 1881. It is aided, encouraged, and to some extent compelled, in the other European nations. (24 Enc. Brit., 30.) It is compulsory in but few States and cities in this country, but it is countenanced or promoted in substantially all, and statutes requiring children to be vaccinated in order to attend the public schools

have generally been sustained by the courts. (Abeel *v.* Clark, 84 Cal., 226; 24 Pac., 383. Bissell *v.* Davison, 65 Conn., 183; 32 Atl., 348; 29 L. R. A., 251. Blue *v.* Beach, 155 Ind., 121; 56 N. E., 89; 80 Am. Stat. Rep., 195; 50 L. R. A., 64. Morris *v.* City of Columbus, 102 Ga., 792; 30 S. E., 850; 42 L. R. A., 175; 66 Am. Stat. Rep., 243. State *v.* Hay, 126 N. C., 999; 35 S. E., 459; 49 L. R. A., 588; 78 Am. Stat. Rep., 691. Hazen *v.* Strong, 2 Vt., 427. In re Rebenack, 62 Mo., App. 8. Duffield *v.* Williamsport School District, 162 Pa., 476; 29 Atl., 742; 25 L. R. A., 152. Cooley's Cons. Lim. (7th ed.), 880. Prentice on Police Powers, 39, 132. 1 Dillon's Mun. Corp., sec. 355. Parker & Worthington's Public Health and Safety, sec. 123.)

A common belief, like common knowledge, does not require evidence to establish its existence, but may be acted upon without proof by the legislature and the courts. While the power to take judicial notice is to be exercised with caution, and due care taken to see that the subject comes within the limits of common knowledge, still, when according to the memory and conscience of the judge, instructed by recourse to such sources of information as he deems trustworthy, the matter is clearly within those limits, the power may be exercised by treating the fact as proved without allegation or proof. (Jones *v.* U. S., 137 U. S. 202, 216, 11 Sup. Ct. 80, 34 L. Ed. 691; Hunter *v.* N. Y., O. and W. R. R. Co., 116 N. Y. 615, 623, 23 N. E. 9, 6 L. R. A. 246; Porter *v.* Waring, 69 N. Y., 250, 253; Geist *v.* Detroit City R. R. Co., 91 Mich. 446, 51 N. W. 1112; Greenleaf's Ev. (14th Ed.) sec. 5; 1 Wharton's Ev. (3d Ed.) sec. 282; 1 Starkie's Ev. 211; 17 Am. and Eng. Encyc. (2d Ed.) 894.) Common belief, in order to become such common knowledge as to be judicially noticed by us, must be common in this State, although in a matter pertaining to science it may be strengthened somewhat by the general acceptance of mankind. As was said by Mr. Justice Swayne in Brown *v.* Piper, 91 U. S. 37, 42, 23 L. Ed. 200: "Courts will take notice of whatever is generally known within the limits of their jurisdiction, and, if the judge's memory is at fault, he may refresh it by resorting to any means for that purpose which he deems safe and proper. This extends to such matters of science as are involved in the cases brought before him." See, also, People *v.* Lochner, 177 N. Y. 169, 69 N. E. 373.

The fact that the belief is not universal is not controlling, for there is scarcely any belief that is accepted by every one. The possibility that the belief may be wrong, and that science may yet show it to be wrong, is not conclusive; for the legislature has the right to pass laws which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases.

In a free country, where the government is by the people through their chosen representatives, practical legislation admits of no other standard of action; for what the people believe is for the common welfare must be accepted as tending to promote the common welfare, whether it does in fact or not. Any other basis would conflict with the spirit of the constitution, and would sanction measures opposed to a republican form of government. While we do not decide and can not decide that vaccination is a preventive of smallpox, we take judicial notice of the fact that this is the common belief of the people of the State, and with this fact as a foundation we hold that the statute in question is a health law, enacted in a reasonable and proper exercise of the police power. It operates impartially upon all children in the public schools, and is designed not only for their protection but for the protection of all the people of the State. The relator's son is excluded from school only until he complies with the law passed to protect the health of all, himself and his family included. No right conferred or secured by the constitution was violated by that law, or by the action of the school authorities based thereon. In view of the opinions below, we regard further discussion as unnecessary, and we affirm the order appealed from, with costs.

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IV. Provision for Physical Welfare

An effective illustration of the enlargement of the scope of public education so as to include opportunity and provision for the physical welfare of school children is to be found in the recent decision of the Supreme Court of Washington.

[State *ex rel.* School District No. 56, Chelan County *v.* Superior Court of Chelan County *et al.*, 124 Pac. 484. (Supreme Court of Washington, June 25, 1912.)]

Fullerton, J. In this proceeding, school district No. 56, Chelan county, seeks to appropriate, as additional grounds to its existing school site, $2\frac{27}{100}$ acres of land out of a tract containing 18 acres now the property of the respondents J. N. Dotson and Jennie N. Dotson. The records show that the school district named comprises the town of Cashmere, in Chelan county, together with certain outlying territory; that it now owns a school site consisting of two acres, situated in the town of Cashmere, on which it has erected two school buildings, one 70 by 75 feet in size and

another 50 by 102, which buildings it is conceded are ample to accommodate the present attendance at the school and the anticipated increase in attendance for some time in the future. The additional grounds sought to be acquired abut upon the existing site and form therewith a single tract or parcel of land. The testimony of the school officers was to the effect that the present grounds were adequate for the purposes of the school in the sense that they afforded sufficient room for ingress and egress to and from the school buildings and sufficient room for the necessary auxiliary and outbuildings, but that they were inadequate in the sense that they afforded no room for the pupils attending the school to exercise; the superintendent of the school testifying that it had been found almost impossible, without forbidding all forms of play and exercise, to keep the pupils from trespassing on the adjoining property, and that much complaint had been made to him by adjoining property holders of such trespassing, and that the additional ground sought was desired at the present time to afford additional playgrounds for the pupils of the school, that they might have grounds upon which the common athletic games current among schools of its class could be played. The preliminary proceedings for the acquisition of the lands had by the school board seemed to have been in compliance with the statutes save in one particular. At the special meeting of the voters of the district called to determine whether the board of directors should be authorized to acquire the additional tract for school purposes, the vote was taken by calling on the voters present to stand up and be counted, instead of by ballot, as the statute directs. On the hearing in the court below, at the conclusion of the petitioner's case, the respondents moved for a dismissal of the proceedings on the grounds: First, that the petitioner had not shown a compliance with the law with reference to the selection of the land sought to be taken; second, that the act under which the petitioner is proceeding is invalid and void; and, third, it is seeking to take the land for a purpose not authorized by law. The motion was granted, and the petitioner brought the proceeding to this court by a writ of review.

(1) The contentions of the respondents are the same in this court as they were in the court below, and we shall notice them in the order in which they are stated in the motion. By the Code of Public Instruction it is provided (Laws 1909, p. 349) that any board of directors may at its discretion call a special meeting of the voters of the district to determine whether the district shall purchase any schoolhouse site or sites or additional grounds to an existing site, at all of which such meetings the "voting shall be by ballot, the ballots to be of white paper of uniform size and

quality." As we have elsewhere stated, the voting at the special meeting in which it was determined to purchase the school site in question here was not by ballot, but by standing vote, and it is this fact that is thought to render the preliminary proceedings void. . . . There is here no contention that the election complained of did not express the popular will of the electors, and we hold it valid.

* * * * * * *

(4) Finally, it is urged that the use for which the land is sought to be taken is not a public use. It is contended that the land is sought rather as a playground for the pupils attending the school than for strictly school purposes. The testimony of the superintendent of the school from which we have hereinbefore cited undoubtedly lends color to this contention, but nevertheless we think the use for which the land is sought to be taken is a public use. The physical development of a child is as essential to his well-being as is his mental development, and physical development cannot be had without suitable places for recreation and exercise. To acquire such grounds is therefore within the province of the public schools.

The order of dismissal entered by the superior court is reversed, and the cause reinstated, with instruction to proceed with the hearing thereof in accordance with the statutes.

CHAPTER XXI

TEXTBOOKS AND SUPPLIES

From among the large amount which has been written on the question of textbooks we reproduce four editorial articles and all of the argument of the report of a recent legislative investigating committee. The first really sums up the whole question in a clear and forceful manner, stating as it does the problem of publication, supply, and adoption in almost all of its phases. The second and third deal particularly with the question of state publication, and the fourth with the tendency of many of our American states to enact foolish laws on the subject. The legislative report, which closes this chapter, deals chiefly with the question of the cost of textbooks.

I. The California Textbook System

[An article printed as an editorial in the *Sierra Educational News*, the official organ of the California Teachers' Association, in the issues for October and November, 1911.]

At the last session of the Legislature, the Senate appointed a committee of five of its members to investigate the general question of textbooks for our elementary schools. This committee has made a promising beginning. Its recent hearings in San Francisco have fully sustained the charges made by the State Board of Control that for years there has been shameful mismanagement of the State Printing Office. It was shown that if a business-like administration of that office could be secured, the price of our textbooks would be materially reduced.

INTEREST IN THE TEXTBOOK INVESTIGATION

The investigation has attracted wide attention. The people of California are vitally interested in the question of textbooks,

especially in the cost feature. The press of the State has commented freely on the investigation. An editorial in the *San Francisco Chronicle* is especially stimulating:

"The investigators of the State Printing Office are merely finding out the details of what all those familiar with such business have always known must exist there.

"Any State Printing Office is, and will remain, a State scandal. There may be a temporary spurt of purification such as is now going on, but unless human nature has suddenly experienced a revolutionary change the office will speedily drift back into its old rut.

"For, frankly, that is precisely what the office is intended for. It was not and could not have been to promote any public interest. It was organized with the deliberate intent to find easy jobs for a few scores of people at the expense of the taxpayers and school children, and to enable the State Printer to do politics or worse with contractors.

"Nor will any installation of a cost-keeping system prevent it. It is perfectly easy to beat any cost system when those in control so desire, and the very existence of such a system will make it safer by allaying public suspicion.

"The *Chronicle* will not, and the people should not, prejudge the personal conduct of the State Printer. That will be justified or otherwise by the facts as they appear.

"But we shall none of us err if, without further knowledge than we already have, we make up our minds that the system itself is rotten."

AN EXPERIMENT IN TEXTBOOKS

This editorial in the *Chronicle* would seem to indicate that the people of California are about to come out of a twenty-six year trance. Back in 1885 California ventured upon an experiment that no other state had ever tried, and one that no other state since then has deemed it wise to try. Through specious argument and gross misrepresentation, the people of California voted in 1885 to compile and publish their own textbooks. It was loudly proclaimed and fondly believed that such a system would yield superior books, at a reduced cost, to those offered by the several publishing firms — denominated for political purposes as "the book trust." Thus the people enthusiastically created a real monopoly in the authorship, manufacture and sale of textbooks. All competition was eliminated. The grave responsibility of compiling the books was entrusted to the State Board of Education — a board containing no members experienced in producing texts. It was cheerfully

assumed, however, that successful authors of textbooks were indigenous to California even as the giant redwoods. The serious task of managing the business end of the undertaking — the manufacture of the books — was placed in the hands of a politician selected, in nearly every instance, by big business interests which hoped to profit from favorable contracts. Truly a promising combination of politics and business to handle free from competition an enterprise running well toward a quarter million dollars a year! And this combination could not lose because it had the big purse of the State to fall back upon. The cheerful confidence of the people in 1885 in establishing this system seems pathetic to us now.

FRUITS OF THE SYSTEM

Was not the plan in both its features an invitation to disaster? On the authorship side we deliberately turned our backs on books that had been tested in the fierce heat of competition all over the United States. Surely it was a provincial, short-sighted pride that refused the best the country at large had to offer, in favor of the work of unknown, untried California authors! On the business end we provided an unholy combination of politics and business, thereby laying a sure foundation for faulty service and grave scandals. With such a plan, what could we expect? Do men gather grapes of thorns, or figs of thistles?

We were not slow in harvesting the natural crop. We saddled the children of California with books that were worse than disappointments. As a whole they were a crime against helpless childhood. Competent students of education bear witness that of the eighteen books prepared by local authors and published at the State Printing Office from 1885 to 1903, not one book could be considered a thoroughly satisfactory text; not one could bear comparison with books issued by the regular publishers. As the new State texts gradually replaced the former and better books, the situation grew worse, and finally became intolerable. Evasions and violations of the law were every-day occurrences. The law requiring children to use the State texts was evaded through the purchase by the districts of large numbers of supplementary books, which were quietly used in place of the State texts. In many instances children bought these other and better books in place of the State texts — a clear violation of the law — while those in authority winked at it. Teachers and principals talked learnedly of the advantages of the topical method, and under its mantle brought in supplementary books galore. Thus, for the sake of the children, did we circumvent a bad law. The habit of supplemen-

tary books became so strong that when a happier day dawned, in 1903, it required a firm crusade to place reasonable restrictions on the use of supplementary books. Hundreds of thousands of dollars were spent by parents and districts for supplementary books as a direct result of the rotten series of State texts. And yet the plan of state publication was adopted as an economy measure!

REFORMING THE AUTHORSHIP FEATURE

Finally the storm of complaint against the State texts became so fierce and continuous from teachers and parents alike, that the Attorney General came to the rescue. In 1903 he rendered an opinion that the constitutional provision requiring state compilation and publication of textbooks would be complied with if the books were actually printed at the State Printing Office. A statute was framed accordingly, enabling the State Board of Education to adopt the best books from the open market, leasing the plates from the original publishers and paying a royalty on each book sold. By this legal legerdemain we managed after eighteen years to squirm out of one-half of a bad plan. But the other half — the manufacture of the books in the State Printing Office — is still with us. For several valid reasons, this feature also must go before we shall have a system worthy of California.

MISLEADING COMPARISON OF PRICES

In the first place, the character of the work done in the State Printing Office confirms the belief that the fundamental plan is inherently wrong, as pointed out in the editorial in the *Chronicle*. We can not reasonably expect a clean, businesslike administration of that office. A strong, efficient Governor, an alert Board of Control, and a determined Senate committee may force a temporary reform. But so long as the product of that office, freed by law from competition, is accepted by the State, just so long will the office remain a political one, whether elective or appointive. For it will remain an asylum for political henchmen, who will determine for themselves what constitutes a fair day's work. A few illustrations of the character of the work done may prove illuminative of the contention that the State Printing Office must go.

The State Printing Office recognizes only one fundamental problem — that of publishing the books adopted by the State Board at a few cents less than the list prices of these same books as sold by the publishers. Now a book is a book to some people, just as a horse is a horse to others. But a lover of books recognizes

a difference in books just as a lover of horses recognizes a difference in horses. Two men may both have a set of Shakespeare, but one set may be worth ten times the other. Since the plan of leasing plates was adopted in 1903, the State Printing Office has not issued one book equal in binding and paper to the same book as published regularly. To bring this point home with its attendant implications, compare our present State text in history with the same book (McMaster's Brief History of the United States) as sold in the open market. In the State text we find paper so poor that the illustrations are not clear; the margins have been reduced, evidencing skimpiness and stinginess; and, worst of all, the leaves are merely pasted to the back, while the regular publishers' edition is strongly mounted with a reinforced linen back to which the leaves are securely stitched. Any competent bookbinder will testify that the book from the publisher will easily last twice as long as the book from the State Printing Office. What is true of the history is true of the other books. Compare the geographies published by the State with the same books issued by the regular publishers. But why multiply instances?

The State Printer claims with pride that he can undersell the regular publishers. Can he really undersell them, quality for quality? His one great advantage is a ready market — safely his by law. With no expense for establishing a demand for his goods, such as all regular publishers must meet, he issues books that no reputable publisher would dare offer the public. In each case the State Printer prepares for the use of our children an illegitimate brother of a well-born book, a counterfeit presentment of few days and full of trouble for the children. When the State Printer can produce books equal in paper and binding to the regular editions of these books, we shall listen to a comparison of prices. A comparison of prices that does not take varying qualities into consideration is worthless. This comparison at the present time on a false assumption of equal paper and binding is thoroughly reprehensible because its deliberate intent is to mislead. It is unfair to the publishers and also to the children. For have we not vaunted ourselves, saying that the best is none too good for our children? But we continue a system that places in the hands of these children books that are decidedly inferior in paper and binding to those used in any of the other states of the rank of California.

THE COMING OF FREE TEXTBOOKS

There can be little question that we shall soon have free textbooks in California. Since the State undertakes at great expense

the education of her children, it would seem that she must not stop short of providing the necessary tools for doing the work. Well-equipped buildings and competent teachers are provided, but these will fall short of the goal unless supplemented by good books in the hands of all the children. The textbook is an indispensable part in the circle of instruction, second only to the teacher. We endanger the whole edifice of public education when we leave this gap. For many parents are unable to furnish books for their children, but still are unwilling to confess pauperism to secure the books under the present law for indigents. Free textbooks have been tried in other states, and under certain safeguards the plan has worked well. A sentiment in favor of free texts is growing rapidly in California. Is it not wise to face the situation now and prepare a carefully considered plan against the day of their introduction?

In maturing this plan we shall find a compelling reason why the State Printing Office must go. If that office were charged with the duty of furnishing free textbooks, there would be less incentive to keep its work up to a decent standard than at present. For so long as parents pay directly for textbooks, they will have an active interest in the quality and cost of the books. But with textbooks furnished at public expense, this critical interest would be materially lessened. To the average man there is a big difference between the misappropriation of a dollar that comes out of his pocket and one that comes out of the public purse. The fierce indignation throughout the State at the shameful mismanagement of the State Printing Office is due in considerable measure to a realization of personal loss. Why do we hear so much discussion of the cost of textbooks? On its face it seems strange, when we consider that of all the money spent annually in California for education, not more than four per cent goes for textbooks. And yet ninety-six per cent of all the talk concerns the four per cent spent for books! Why? Because the ninety-six per cent is raised by taxation, while the four per cent is paid directly from our own individual pockets. Furnish textbooks at public expense, and we shall hear no more criticism of the cost of textbooks than of buildings, desks, supplies and teachers' salaries.

Is it not clear that before we may safely lessen the public scrutiny by the introduction of free texts, we should reject a plan that has proved conducive of poor books at high prices? Before committing ourselves to free textbooks, we should evolve a plan that will safeguard the securing at reasonable prices of good books, clearly printed and well bound. We believe that we should steadfastly resist free textbooks in California until the State Printing Office is done away with.

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LOCAL ADOPTIONS *vs.* STATE UNIFORMITY

We believe that a frank examination of our system of uniform State texts will point to a solution of the problem. State publication and state uniformity go naturally hand in hand. If the reasons for doing away with state publication are valid, we believe that it can be shown that we should profit educationally by substituting local adoption for state uniformity of texts. While this assertion may seem a little startling in California, it would be considered a truism in every other progressive, well-settled state in the Union with the exception of Indiana. Let us name all the states that have uniform textbooks: Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Oklahoma, Texas, New Mexico, Arizona, Nevada, Utah, Idaho, Montana, Oregon, Kansas, Indiana and California. This list contains food for thought. With the exception of the last four named, the list falls into two big classes — the Southern States and the Plateau States. In a broad way we see clearly that the two most sparsely settled sections of our country favor state uniformity. Is this merely a happening, or is there a reason for it? We believe that state uniformity in those two big groups of states is a genuine educational adaptation to environment. In a sparsely settled section public education costs far more per capita than in more populous regions. The schools must make humble beginnings and develop with the section. The cost of education is usually so great that only the rudiments can be attempted at first. And to make sure of even a humble beginning, the power and assistance of the state are invoked. Until a system gathers headway with the years, it seems necessary for the state to make sure that certain minimum requirements are enforced. State uniformity of texts is a natural means of handling the problem. Thus we should expect to find state uniformity in the South; for the public school systems in those states have been built since the Civil War. We should also expect to find state uniformity in all new states, as evidenced by the Plateau group as a whole.

Does it not follow conclusively that with the gradual settlement and development of a state, the plan of state uniformity of texts must complete its purpose and give way to a system more responsive to the needs of the people? With an effective public school system in full swing, backed by an alert public consciousness of the worth of education, state uniformity is no longer necessary to safeguard minimum requirements. Then the state must have a system that recognizes the inevitable differentiations among the people; that meets the varying needs of rural and city schools;

that bases itself on variety as co-equal with unity in achieving progress; that stimulates progress by permitting ready adjustment to organic variations.

This process of educational evolution has been shown clearly in the state of Washington. When it was first made a state, the plan of state uniformity rightly imposed upon it as a territory was continued. But with the rapid settlement of the state, with the growth of great cities, with varying needs among the people, Washington a few years ago set aside its outgrown system of uniform texts in favor of a progressive system of local adoptions. Several other states have done the same.

Now let us turn to the four states that seem to be out of their pew in favoring state uniformity. Kansas and Oregon may not have developed sufficient educational momentum safely to do away with state uniformity. But how about Indiana and California? At last we understand why Indiana has been called "the Hoosier State." Even Missouri has been "shown," changing a few years ago from state uniformity to local adoptions. Why should our own beloved California, progressive as she truly is, stand squarely across the path of educational evolution? Why should California and Indiana have the unenviable distinction of serving as the exceptions that prove the rule? We believe that but for our system of state publication, we should have discarded our plan of uniform texts long ago. May they both soon pass away together and keep themselves company in the limbo of worn-out plans!

UNITS OF LOCAL ADOPTION

If we do away with state uniformity of texts in California, what should be made the unit or units of local adoption? The unit of local adoption should always coincide with the unit of supervision. Our supervisory units in California are the counties and the cities. The same authority that prepares the course of study and supervises its execution in the schools should select the books that will prove most effective in carrying out that course of study. As no two courses of study ought to be alike, the folly of uniform texts for all these courses is apparent. It may safely be assumed that the average county board of education understands the needs of the schools of that county better than does the State Board of Education, none of whose members has direct contact with elementary school work. The selection by the State Board of the books to be used in all the schools of the State is truly an anachronism. The only way to make that function of the Board consistent would be to add another requiring the adoption of a uniform course of

study. Surely the authority that lays out the work should also prescribe the tools. Supervision, course of study, and adoption of texts rightly belong together. Educational evolution in California has brought supervision and the course of study together in their rightful place. One step more — local adoption — and we shall have adjusted the three main factors of effective administration of schools.

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THE COST OF TEXTBOOKS

Since educational experience and educational theory both strongly sanction local adoptions and optional free texts, we might fairly rest the case at this point. But we desire to meet the advocates of state publication on the only point left — cost of books. Some people might be disposed to put up with a confessedly poor system if it could be shown that such a system is cheaper than the one proposed. A system of local adoptions necessarily involves the purchase of books in the open market. It does away necessarily with state publication. Can books be purchased under local adoptions at prices comparable with those charged under state publication?

A study of conditions and prices in states having local adoptions will prove instructive. Where boards representing cities or counties deal directly with publishers, the books are laid down to these authorities, or to dealers in non-free-text territory, at 20 per cent off the list price. In several states the books are laid down at the capital at 25 per cent off the list price. The list price of a book is the price fixed by the publisher at which the book should be sold in ordinary trade over the dealer's counter. The list price includes the profits of both the jobber and the retailer. Co-operative buying from publishers direct cuts out these profits and makes a material reduction in the cost of the book to the pupil. With city and county adoptions in California, the books could easily be delivered to boards of education, or to dealers in non-free-text territory, at 20 per cent off the list price.

We are now ready for a specific comparison of prices under our present system of state publication with those that would prevail under local adoptions. California publishes six texts in reading and sells them to the children as follows: primer — 28 cents; first reader — 25 cents; second reader — 30 cents; third reader — 45 cents; fourth reader — 60 cents; fifth reader — 60 cents. The total cost of the six books is $2.48. The list prices of the same

books as published regularly follow: Aldine Primer (Newson & Co.) — 32 cents; Progressive First Reader (Silver, Burdett & Co.) — 32 cents; Brooks' Second Reader (American Book Co.) — 35 cents; Brooks' Third Reader (American Book Co.) — 40 cents; Stepping Stones Fourth Reader (Silver, Burdett & Co.) — 60 cents; Stepping Stones Fifth Reader (Silver, Burdett & Co.) — 60 cents. The total list price of the six is $2.59. Deducting 20 per cent we have $2.07, the price at which the books would be delivered to city and county boards, or to dealers in non-free-text territory. Adding 10 per cent of the list price for the cost of handling by superintendents or dealers, we have $2.33 as the price to be paid by the children. This is 15 cents less than we are paying now for these books on inferior paper and with poor bindings.

But some one objects that the total cost of $2.48 for the State readers would be materially lessened if all the graft could be squeezed out of the State Printing Office and business-like methods introduced. This is certainly true. Fortunately we have the figures of the secretary of the State Board of Control, an expert accountant, to help us on this point. He furnished the senatorial investigating committee with an estimate of the rightful cost of the primer and the first three readers as follows: primer — 24 cents; first reader — 22 cents; second reader — 25 cents; third reader — 33 cents. This estimate makes a total cost of $1.04 for the four books as against the present price of $1.28, the difference of 24 cents representing the extracted graft. Under local adoptions, what would the four books cost our children? The list prices of the four total $1.39. Deducting 20 per cent for county or city adoption, and adding 10 per cent for handling, we have $1.25 as against the estimate of $1.04. But let us remember that this apparent difference of 21 cents is not based on equal values in paper, binding, and workmanship. It means the difference between books properly made and those that readily fall to pieces. It means books that will last twice as long. The difference in quality and lasting power probably more than offsets the 21 cents. Furthermore, be it remembered that the estimate of $1.04 is merely an estimate that rests upon an assumption of a business-like administration of the State Printing Office — an assumption negatived by the experience of twenty-six years.

EXCHANGE OF TEXTBOOKS

However, let us be optimistic. Let us assume that the State could sell these four books at $1.04 without calling upon the legislature for a special appropriation for the State Printing Office.

Let us also waive the question of qualities in paper, binding, and workmanship. In connection with that apparent difference of 21 cents, there still remains another consideration which knocks the last prop from under a belief in the lower cost of State texts. We refer to the exchange of books granted by publishers under local adoptions. On a four years' adoption, publishers would grant in California an exchange price of 40 per cent off on all books sold the first year of the adoption. Figures show that under exchange not less than 40 per cent of all books sold under a four years' contract are sold the first year, and that 75 per cent of these purchases are on exchange. This represents an average reduction of 12 per cent on every book sold during the entire period of adoption. Under our plan of state publication there is a total loss whenever a book is changed. Since educational progress makes occasional changes in texts necessary, would it not be far better to have a system that would not leave the old books a dead loss to pupils and parents? If the book bills of some families could be cut 40 per cent through the privilege of exchange, there would be a strong incentive to keep books against the day of exchange.

EXCHANGE AND THE DEALERS

Supplementary to the question of exchange lies a question of administration that has worried every school official in California. We refer to the impossibility, under our present system, of getting enough books the first week of school to supply all the children. Practically every teacher, principal and superintendent in California will bear eloquent testimony that never have the children under his charge been able to secure all the necessary books the first week of school. At such times the newspapers all over the State are voicing the complaints of superintendents. The reason for this state of affairs is not far to seek. Usually the State Printing Office is partly at fault; but even when its skirts are clean, the trouble persists owing to the unwillingness of local dealers to order freely for school opening. With cash accompanying all orders for State books, with no return privileges, and with only a small margin of profit, the dealers dare not take the chance of being "stuck." Hence they invariably order light and continue to re-order for two or three months. Experience has shown the dealers that this is the only safe way. Meanwhile the schools suffer. Many parents who naturally expect to buy books for their children at the time of school opening object strenuously later on. Local adoptions (with or without free texts) would enable every school in California to be fully equipped the first week. How so? When-

ever a book is displaced under local adoptions, the publishers of the new book take from the dealers at dollar for dollar all the stock on hand. Thus protected against loss, dealers have no hesitancy to order freely on the estimate which the superintendent or principal is always glad to furnish. In free-text territory the problem of securing books on time solves itself. To encourage boards to order adequately for prospective needs, publishers grant a return privilege on the books up to 20 per cent of the original order.

TWO PAYMENTS UNDER STATE PUBLICATION

There still remains another important factor in the cost of textbooks that usually is lost sight of completely. Under state publication the people of California have been called upon to make an indirect second payment for textbooks in addition to the sums paid directly by parents. From the inception of state publication to June 30, 1910, the parents in this State paid $2,553,824.29 directly for textbooks. No doubt the great majority of these parents believed they were paying the entire cost of the books. Far from it. During the time mentioned the legislature made special appropriations aggregating $607,600 to further the work of state publication. Thus in addition to the sums paid directly by parents for books, we were obliged to add from the State treasury 23 per cent more. However, the man who paid four dollars for his children's books did not realize that he was adding nearly another dollar for books in his taxes. If he had realized it, we should have heard from him. That realization would have shaken his loyalty to a professedly independent system that needs 23 per cent of coddling from the State to make it go. If this parent were a business man, his loyalty to the system would probably have been completely destroyed by the consideration that if these special appropriations of $607,600 had been placed at interest at 5 per cent, they would now amount to at least $1,250,000, or approximately 50 per cent of the amount paid by the parents. Any comparison of the cost of books under state publication with the cost under local adoptions that does not take these special appropriations into account is manifestly incomplete and unfair. For, waiving the question of interest, these appropriations aggregating 23 per cent of the sums paid directly for the books loom up in any honest discussion of the subject. Though usually overlooked in textbook discussions, these appropriations are as big and significant as the Fairmont Hotel on the skyline of San Francisco. They are significant, first, in removing the last reasonable doubt as to relative costs under state publication and local adoptions. Secondly,

because of the ease with which we lose sight of these appropriations — the money of all the people rather than of individuals — they are significant in enforcing the necessity of a system of publication and adoption close to the people and responsive to their varying needs, before we dare commit ourselves to free texts. No more serious educational blunder could be made than free texts under state publication. Since free texts are right and desirable, it is evident that our rigid, cost-concealing system of state publication must give way for the introduction of free texts under an open, elastic, less expensive and more democratic plan.

SUMMING UP THE ECONOMIC ARGUMENT

In summing up the economic points disclosed in this comparison of state publication and local adoptions, we believe that the facts clearly confirm the belief that state publication is the more expensive plan. Under local adoptions our children would have books strongly and artistically dressed. This fundamental right of California childhood has been persistently denied under state publication. If the State Printing Office could produce books equal in paper, binding, and workmanship to the books issued by regular publishers, it is highly probable that the cost of these books would equal, if not exceed, the list prices of the publishers. Under county and city adoptions, however, these list prices would be materially reduced through eliminating the profits of jobbers and retailers. Under local adoptions, a generous allowance of 40 per cent would be made for the exchange of books. Under state publication every change means a dead loss. Under local adoptions our schools would be supplied on time, for boards of education, and dealers in non-free-text territory, would both be protected against loss. Under state publication we can not hope to have books enough on opening day, for dealers are wary of a plan that carries high risks and small profits. Finally, under local adoptions we should be obliged to pay only once for our books. Under state publication we have added 23 per cent to the sums paid directly by parents. In view of all these economic factors, who can honestly doubt that state publication is the more expensive plan?

POLITICAL BENEFICIARIES OF STATE PUBLICATION

When the man who thinks with his brains and not with his prejudices realizes that state publication is not only undesirable educationally but is also more expensive than local adoptions, he begins to understand the textbook situation in California. He

grasps the real reason why critics of state publication are persistently accused of being "pliant tools of the book trust." From the day years ago when Supt. J. W. Linscott, one of the most highly esteemed schoolmen in California, raised his voice against the evils of state publication, and paid for his temerity by having his political aspirations killed and his personal character assailed; from that day to the present, the honest critic of state publication has been abused and his motives impeached. Why do not the advocates of state publication join battle fairly without abuse and without misrepresentation? Do they not realize that abuse and misrepresentation are always a confession that the system under investigation will not bear the light? As might have been expected, the system of state publication soon developed a well-organized body of beneficiaries. Many a soft job has it furnished for political henchmen! Many a juicy contract has it awarded to big business for timely assistance in political stress! A fine political asset, the machines of the two great parties have fought persistently to control it. What more natural than a fixed policy of both parties to hush criticisms that might possibly lead to the removal of the "plum"? What more natural than for the beneficiaries of the system to resent attacks upon it? And was not the weapon of defense ready at hand? The critic could be dubbed "an enemy of the peerless school system of California," and a sure means of completing his public discomfiture was to brand him as "an emissary of the book trust." This waiving the red rag of "the book trust" was cleverly and persistently done to confuse the great mass of honest voters. Apparently this appeal to prejudice — this little game of stop thief — would have worked forever had it not been for a progressive, honest governor and an inquiring State Board of Control. Even then the comments from a goodly portion of the newspapers of the State on the shake-up in the State Printing Office were singularly interesting. The headlines showed that many an editor somehow felt it incumbent upon himself to blame "the book trust" for the misdeeds of the system designed and established "to free the people from the cruel exactions of the book trust." The editors were honest, too. The habit of making "the book trust" the scapegoat for all our educational ills was so strong upon them that they were simply unable to adjust themselves promptly to the real situation.

SIGNS OF A BETTER DAY

Very shrewd have the beneficiaries of state publication been in distracting attention from the educational and economic defects

of the system. Their method was the time-honored dodge of an appeal to state pride on the one hand, and to prejudice against publishers on the other. This hoary political ruse worked unfailingly up to the exposé of the real inwardness of the State Printing Office. But that revelation opened the eyes of the people and prepared the way for a dispassionate estimate of state publication. There can be little doubt that the people are beginning to realize that state publication is a failure both educationally and financially. It is being made plain to all that state publication is without honor both at home and abroad. Not five prominent school people in California to-day approve of state publication. Several other states through legislative committees have carefully examined the California plan of state publication, and without exception have reported against it. These adverse reports were based on the clearly perceived educational and financial shortcomings of the system. These reports now have added confirmation through the scandal in our State Printing Office.

We are nearly ready for a new day and a better order of things. State publication is seen to be not merely bad in itself but also a barrier to progress. It stands squarely across the path of free textbooks, for the evils incident to state publication would be increased under free texts. Secondly, state publication compels uniform texts throughout the State. Educational evolution demands that California replace her system of uniform texts with a system of local adoptions, so that the varying needs of the several sections of the State may truly be served. California must cast aside the swaddling clothes of state uniformity and don the only dress worthy of a grown-up state — local adoptions. But so long as state publication is continued, local adoptions are impossible and no satisfactory system of free texts can be devised.

II. Miscellaneous Editorials

1. *School Books and Home Industry*

[Houston (Tex.) *Post*, April 27, 1907.]

There is not a more faithful advocate of the home industry principle than the *Post*. It believes in building up Texas institutions by patronizing home industry and keeping Texas money at home, but it can not agree with the idea advanced at the meeting of printers in Waco with respect to the printing of Texas school books in Texas, except such books as may be written by Texas authors. For the Legislature to provide that all text-books used

in the public schools must be printed in Texas would play havoc with our schools. It would ultimately compel the selection of many books of inferior merit and this would incalculably injure the entire system of public education.

The text-book board should be free to select the very best books written, regardless of authorship or by whom published. Manifestly the first consideration is the welfare of the million school children and not the welfare of several hundred printers. All the books now in use in Texas and those likely to be used for many years are copyrighted works owned by publishers residing in other States. These outside publishers can not be expected to turn over the printing of their books to forty-five different printing establishments in as many States. Even if they should agree to do so, the element of economy would be lost, and economy was the main reason for uniformity.

When Texas text-book writers prepare as good books as outsiders, Texas will adopt them and in doing so will provide for their publication in Texas. Until that time comes, however, it would be folly to undertake to compel outside publishers to print their books in this State. The only way in which State publication could be had would be the adoption of books which are obsolete and upon which copyrights have expired. We do not desire such books and the profit to be derived by the printers could not possibly compensate for the lasting injury to the school children.

Texas buys school books as cheaply as they can be purchased. The competition is keen and the books are sold at a slight margin of profit. Moreover, there is no such sum as $3,000,000 a year invested in new books in Texas. That would imply that the children are equipped with practically a new set of books a year, which is not the case. The average school book is good for at least three years or longer and the new books annually required are merely the number needed for the increased enrollment and to replace those lost or destroyed.

We can not afford to adopt a policy that may injure the public school system, for the sake of obtaining a small profit which may never be realized. The text-book commission must be free to choose the best books, which means copyrighted books owned for the most part by publishers in other States. The printers must wait until Texas authors prepare our books, and even then sound public policy will require their purchase of publishing houses that will furnish them at the lowest prices.

2. *About Home-Printed Text-Books*

[Houston (Tex.) *Post*, May 4, 1907.]

The *Post* is a believer in home industry and it is a tireless toiler in the work of stimulating home industry sentiment throughout the State. It believes, however, that the Legislature should go slowly in adopting a provision requiring all text-books used in the public schools to be printed within the State. It would inevitably embarrass the school system, for few of the publishers would care to establish branch printing houses in Texas. And suppose, for instance, that every State using McGuffey's readers or any other copyrighted work — and they are all copyrighted — should also require the printing of the books within its borders, what would be the result? Inevitably an increase in the price of text-books.

Unfortunately, Texas teachers have done very little in the way of writing text-books suitable for the public schools. Most of the books used are owned by the publishing houses located elsewhere. It would be absurd to require these publishing houses to establish branch printing offices in every State where their books may be used, and they can not be expected to turn over their plates to Texas printing houses.

The text-books should be selected solely upon their merits as text-books and the children should have the benefit of the best text-books in existence, regardless of where the publisher or author resides.

In time, and it will come about gradually if at all, we shall probably have first class text-books written by Texas authors and printed by Texas houses, but at present we must get the best books from publishers living outside of the State just as other States have to purchase them. The economical production of text-books would be impossible if it were necessary for a publisher of a copyrighted book to conduct forty-five printing establishments in forty-five States, and no publisher of a copyrighted book is going to permit some other publishing house to do his printing.

If the State should employ authors to write text-books for the Texas public schools, it would be well enough to have such books printed in Texas, but copyrighted books owned by outside publishers can not by legislative enactment be printed within the State. The Legislature might say that unless such book be printed in Texas its use will not be permitted in the public schools, but that would deprive the children of the benefit of the best books.

The point the *Post* wishes to make is that the Legislature should not tamper with a question so full of menace to the welfare of the public school system. The idea is impractical.

3. *Foolish Textbook Legislation*

[From the *Dial* of November 1, 1909, pp. 319–320.]

That public education is the function of the State rather than of the municipality is a principle that we have always maintained. The State is bound to see to it that throughout its area the means of education are provided upon as ample a scale as the general prosperity of the commonwealth makes advisable. The parsimony of a particular locality must not be permitted to keep its schools below the generally accepted standard, and the locality which would find it a real hardship to provide the needed support is entitled to assistance at the expense of the more favored communities. On the other hand, the essentials being secured by law, the business of administration is distinctly a local affair, and it is in the last degree unwise for the State to prescribe matters of detail, or to interfere in questions that call for expert educational knowledge. The average legislature is about as well fitted to handle such delicate questions as it would be to regulate the circulation of books in public libraries or the scientific management of hospitals.

If we try to imagine the law of the State declaring that no library shall pay more than a dollar a volume for any of its books, or that the patients in every hospital shall be given fixed doses of certain specified drugs once a week, we shall have an exact parallel to the sort of educational legislation which is imposed with blithe and self-satisfied ignorance upon the hapless schools of many a town and city throughout this country. Through the efforts of well-meaning people, whose judgment is as faulty as their intentions are good, a considerable number of our states have long been burdened with laws imposing upon their schools a cast-iron requirement concerning the teaching of physiology with reference to the use of alcohol and tobacco. The mischievous ingenuity of these laws is almost beyond belief. They demand that certain dogmas be enforced upon children with the most damnable iteration year after year, — dogmas that even a child's experience knows to be unsound; and they make it almost impossible for textbooks of physiology written in scientific language to be used in the public schools. Men of science are practically unanimous in condemning these requirements, but the fanatics and doctrinaires have their way with the legislatures, and the voice of reason avails for nothing. Thus science is discredited, the canker of insincerity affects the teacher's work, the reasonable admonition against the evils of intemperance misses its opportunity altogether.

The Illinois legislature at its last session distinguished itself by imposing two singularly foolish laws upon the public schools of the State. One of these laws fixes a maximum price for every textbook used in the elementary schools; that is, forbids the authorization of any textbook that the publishers do not offer to supply at or below the price thus specified. The other law imposes upon all teachers in the State the obligation to devote a certain amount of time each week to the inculcation of ideas concerning the humane treatment of the lower animals.

Considering now the first of these amazing prescriptions, it is to be noted that the prices fixed are far below those at which the best books are obtainable. There is no reason to believe that the best books will be offered at the specified prices, for the simple reason that competition has already forced their prices to about as low a level as possible. Despite the "book trust" bogey that obsesses many minds, competition among schoolbook publishers has already made unreasonable prices a practical impossibility, and the margin of practicable reduction is a narrow one in most cases. The only possible effect of the new law must then be to force the substitution of distinctly inferior books for many of those hitherto in use. Now to save the child a few cents in the price of one of his school books is as good an example of a penny-wise and pound-foolish policy as could well be imagined. It runs counter to the elementary truism that a textbook is a tool, an instrument of precision, and that it has to be employed in one of the most delicate of the arts. A teacher who does not have the use of the best book available is like a railway engineer furnished with a cheap watch, a meteorological expert with a cheap barometer, or a violinist with a cheap fiddle. In these cases, the use of the inferior implement would be universally recognized as an inconceivable folly; but in the case of the teacher, there seems to exist in many minds a notion that the implements he uses do not greatly matter. The making of textbooks is now comparable in refinement, in the nice fitting of means to ends, with the making of microscopes and chronometers, and the best of them would be cheap at almost any price. The injury done to education by debarring the best books from use is immeasurably greater than the benefit derived from the trifling economy that is thus effected.

III. Report of the Georgia School-Book Investigating Committee

[Made to the General Assembly of Georgia, 1914.]

To the Members of the General Assembly of Georgia:

Gentlemen: The following resolution, known as House Resolution No. 17, was approved August 18, 1913:

"Whereas, The contract for school books for the public schools of Georgia expires this year, and,

"Whereas, It appears that the present prices paid for school books are exorbitant when compared to the prices of other school books,

"Be it resolved therefore by the House of Representatives, the Senate concurring, That a joint committee of eight, composed of the State Superintendent of Schools and two other members of the State Board of Education, in addition to said Superintendent, to be selected by said Board, who, together with two members of the Senate, appointed by the President of the Senate, and three members of the House, appointed by the Speaker of the House, shall be a committee to inquire into and report as soon as practicable on the reasonableness of the present price of school books, and inquire into the prices of books used elsewhere, and also as to the practicability of the State furnishing school books for use in the public schools at cost of publication, and to make all investigation that may be necessary touching upon the furnishing of all books used in the Common and High Schools receiving State aid at cost of publication, and delivery of the same.

"Be it further resolved, That said Committee is hereby clothed with authority to subpœna witnesses, to take evidence, to employ a stenographer, and compel the production of documents and do such other acts as are necessary for this investigation.

"Be it further resolved, That said Committee shall make a report of its investigation, together with the testimony thereof, to the present session of the General Assembly, provided the investigation shall be concluded in time to render such report at the present session of the General Assembly. If the report, together with the testimony thereof, be not rendered to the present session of the General Assembly, then such report, together with the testimony thereof, shall be made at the next regular session of the General Assembly. . . .

As set forth in the resolution, we have made diligent effort

to inquire into the present prices of school books used elsewhere, the practicability of the State furnishing school books used in the public schools at cost of publication, and have endeavored to secure all information possible concerning the furnishing of books used in the Common and High Schools of the State at cost of publication and delivery. The minutes of these various meetings, together with all books, pamphlets and correspondence are on file at the State Department of Education, and this material is accessible at any and all times to any member of the General Assembly who may desire to inspect the original documents.

COMPARATIVE PRICES

One of the first duties placed upon the Committee was to report upon the prices of books used elsewhere in order to be able to make comparison with the prices paid in Georgia. With this end in view, letters were written to all of the States of the Union, and countries abroad in addition. The statement having been circulated that "most of the leading countries of Europe publish their own books and deposit them where the users can secure them at the least expense," the United States Bureau of Education was consulted. In a letter dated April 14, 1914, Professor Smith, the specialist in Foreign Educational Systems, writes, "In European Countries, in general, text books are prepared by professors, teachers, and others engaged in the work of education and are placed on the market by publishing houses practically in the same way as in this country." Comparison as to prices could not be made in some of the States by reason of the fact that in them full liberty as to adoption and purchase is given to local authorities and parents. Conditions have, however, enough similarity to our own in 21 other States to enable us to tell as to whether or not we pay extravagant prices for our school books. These use practically our texts for the required basal books in the common schools and where the number varies this fact is indicated. (Here follows a detailed statement as to books and costs for 22 states.)

* * * * * * *

The foregoing evidence clearly proves that, in comparison with the other States like situated, our people do not pay extravagant prices for these books. It appears, for instance, that every neighboring southern State pays more than Georgia for these texts; so far then as concerns the prices recently secured by the Georgia State Textbook Commission it is evident that they

not only are not extravagant but are more economical than those secured by other Boards using the plan of uniform State adoption.

ANNUAL EXPENSE OF BOOKS

Perhaps, also, it is due the General Assembly to give the results of our effort to find, approximately at least, about the amount of money expended for school books in this State, especially since many widely divergent estimates and statements on this subject have been given to the public. So far as the elementary schools are concerned the sworn figures of the dealers are to the effect that the total sales for the regular adopted texts during the past ten years are a little less than $150,000 annually. Some effort has been made to check these figures and there were selected for this purpose the counties of Habersham, Schley, and Early and the figures given appear to corroborate the previous conclusion. Not only so, but testimony has been secured from the country as a whole, other states, and cities at this point. The report of the United States Commissioner of Education shows twenty millions of pupils in the schools of this country and the total expenditure of not quite seven million dollars for school books (Volume II, 1912, page 17), thus confirming the Georgia figures. In Pennsylvania, for instance, the books are bought by Boards of Education and furnished free to the children; the law there requires under such circumstances, a complete report of the cost of the books thus furnished. Since the books are free any variation would naturally be that more books would be used and the expenditure would be correspondingly greater in Pennsylvania than in Georgia, to say nothing of the fact that the former state is larger and has more per capita wealth. State Superintendent, N. C. Schaeffer, gives the enrollment of pupils in Pennsylvania, for the year ending June 30, 1913, as 1,343,055 and the cost of text books for these pupils as $1,157,930.27. The average cost per pupil in that State is, therefore, 86.2 cents; note also that the Pennsylvania law requires free books furnished for high schools and normal schools. High school books are always more expensive. It is plainly true, therefore, that the cost of books for the elementary grades in Pennsylvania as well as Georgia would be much less than 86 cents per capita each year. Furthermore, another proof as to the cost comes from our own State. The City of Fitzgerald has for some years been furnishing the text books free to the pupils. Superintendent Ritchie writes that the cost for that city for 1913 was less than 74 cents per capita, and regretfully we know that it is much less than this on the average for the country child,

just as indicated by the figures noted above by the dealers. The City Boards of Education are always more insistent upon a liberal supply of books and other educational material for their pupils — some, perhaps, with not enough attention to economy. It is true, however, that there is much loss to the child from error in the opposite direction and that the argument is decidedly in favor of taking into consideration the value of his time and the necessity for furnishing him with proper tools with which to work. It is poor reasoning to prefer a saving of 5 cents on an inferior text book on which a child must spend 6 months of time to a better one even at a greater cost.

STATE PUBLICATION BY THE CALIFORNIA PLAN

Of the 48 States in this country, 46 use either the Georgia plan, authorize the purchase by Boards of Education, or else do not interfere at all in the purchase and supply of text books. Two, however, Kansas recently, and California for 30 years past, have undertaken to establish plants and to print books used by the State. In the message of Governor W. Y. Atkinson, of Georgia, to the General Assembly in 1897, giving the report of the School Book Commission at that time, the following occurs:

"California is the only State that has undertaken to publish its own books. The experiment has cost the State, according to the late report of the Secretary of State, something like $1,700,000. Deducting the estimated value of the manufacturing plant, material on hand, plates or books which have been condemned as educationally worthless, and the stock on hand of the same books, finished and unfinished, all being valued in the report at $348,701, we find the net cost to the State of the school book enterprise has been $1,351,299; so that the interest on the $1,351,299 invested at six per cent would furnish books practically free to all the children of California."

Since this date, after much trouble, conditions have been pronounced more favorable and the expense of publishing and distributing these State made books has been lessened. It seems beyond doubt, however, that during the years during which California has been manufacturing her own school books that the following may be fairly stated as the result: 1. The cost to the parent of the books made by California, all things considered, has not been upon an average, cheaper than the Georgia texts; 2. It is only just to state that there has always been considerable question, expressed sometimes even by the California people themselves, as to the quality of their books; 3. It is beyond doubt

true that these California texts are inferior from the standpoint of paper, print, and binding — this fact is apparent even to the careless observer. That we might have the benefit of professional skill at this point, however, at some considerable difficulty, there has been secured a number of these books. They were submitted to the State Printer, Mr. Chas. P. Byrd, and he was asked to give his opinion of these texts from the mechanical side. His letter speaks for itself:

Atlanta, Ga., April 2, 1914.

Complying with your request, I have examined the books printed by the State of California and those furnished under your adoption. I find the California books are decidedly inferior as to the material and construction, and the matter is one of contrast rather than of comparison.

My information is that the State of California has appropriated over a million dollars on a plant to do this work, which in my opinion is more than is necessary for such an equipment. The only solution to the problem is the fact that it takes more than a printing office to produce satisfactory school books. Experience in handling this particular class of work is an essential element which appears to have been lacking in the California books.

This answers your inquiry in a general way; if you wish me to be specific in the matter, covering in detail the difference between the books submitted, I will do so.

Trusting this will meet your requirements, I am,

Very truly,

(Signed) Chas. P. Byrd.

It may be added that these books are in the State Department of Education, where members of the General Assembly may see them at any time.

Even now, with all the experience of that State and with the best efforts of the most successful State Printer they have ever before secured, the basal books for the public schools do not seem to be able to be placed in the hands of the children of California much cheaper than with us, to say nothing whatever of the salaries of the officials, the enormous sum invested in the printing plant, and the waste of unsatisfactory books which have been made and thrown away.

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KANSAS

Kansas has so recently begun with the experiment of State publication that we can learn little from that State. The last Legislature made an appropriation of $225,000 — $50,000 of which was set apart for artists, authors, compilers, etc., leaving $175,000

to enlarge an already established printing office for the publication of school books. The first book to be published is a Primer; and $2,000 was paid to the author for the manuscript, which the Text Book Commission purchased as the official Primer to be used in the schools of the State during the next five years. In addition to this, illustrations for the text will cost approximately $2,500. The second text selected was a history, or as the Kansas City Journal terms it, "A Historical Novel," for the manuscript of which $3,000 was paid to the author, and $500 additional to other persons for revision. The Teachers' Association of Kansas has requested that the School Book Commission discontinue its work, temporarily at least, until the Legislature shall have assembled again for the reconsideration of the question. One of the school officials of that State writes as follows: "It seems reasonable to believe that a publishing concern whose principal business is the selection and publication of books is better prepared to handle the business more successfully than a State which has so many other matters of importance to deal with." It will be seen, therefore, that from the situation in this State, it is difficult to secure much argument, as yet at least, to authorize the creation of a printing plant and the publication of school books by the State.

THE ONTARIO PLAN

More frequently than any other, however, what is known as the Ontario plan has been advanced as the best and most economical for this State. Its history is interesting. The Canadians found that there was a tendency on the part of their teachers and parents to use the books published by their great neighbor, the United States. The subject attracted attention, more than 60 years ago.

It was clear that these books were fostering our ideas of liberty and even causing rebellious sentiment against British rule. To counteract this, books had to be made by Canadians or, at least, by English subjects. They began first with the Irish National Series and naturally the present forced use of British and Canadian texts, no matter how inferior to those published by the United States, has followed. In 1868 and in 1894 the contract for readers, for instance, was given to Canadian Publishing Companies. The Whitney Government in 1907, stating that the Ontario text books were inferior to those of similar grade in this country, authorized the Minister of Education to secure an editor with power to have texts prepared, electroplates made and books

printed by contract. The department store of T. Eaton Company, Limited, which has a printing plant for its large mail order business, was the lowest bidder. The offer was to furnish the Primer and the first four Readers at a total cost of 49 cents. Without saying anything as to the quality of these books, although educational experts have been practically a unit in pronouncing them inferior to our own texts, it is a fact easily ascertained that they are able to be sold at so low a price because of two reasons: first, a part of the expense is borne by the Government and second, another part by the department store for the sake of the advertising.

The same thing is true with regard to certain others of the Ontario books, particularly the arithmetic furnished by the Robert Simpson Company, Limited. Some of the books, however, are printed by regular publishing companies and undoubtedly with little, if any, help from the advertising idea already mentioned.

[Here follow a number of letters and replies, and a summary of costs under the Ontario plan.]

* * * * * * *

It will naturally occur to any thoughtful mind as strange that the Ontario System was not adopted by New York and Ohio if it were so far superior to our own as is frequently asserted. The thirteen million inhabitants of these two of our most progressive northern States are not generally suspected of being willing to pay more for school books or anything else than might be necessary and reasonable. The impression is somewhat more than a suspicion, and indeed is quite general, that these are the most astute and economical business men we have in the country. They are separated only by the St. Lawrence River and Lake Erie from Ontario; trains and boats cross from one side to the other every hour and there is continuous communication. This has been going on during all these years while Ontario has been making her own school books, and what these near neighbors and countrymen of ours have never even thought worthy of imitation or consideration, is not likely to be so wonderfully to the advantage of those of us a thousand miles away, who were stirred to action by a sensational newspaper article in the Saturday Evening Post.

* * * * * * *

The Ontario books are on file at the State Department of Education and accessible to any one who may desire to compare them with the books used in this country. As a rule, they appear to the

ordinary observer as clearly inferior to the United States texts, and all the experts to whom they have been submitted, with one exception, agree that this is true with regard to the workmanship and material used.

SUMMARY

Summarizing for your convenience, therefore, our answers to the questions which we were asked by you to secure are as follows:

First. Compared with the prices paid for similar books in other States in this country, the cost in Georgia is not only reasonable but actually considerably less than the average paid in the other forty-seven commonwealths of this Union.

Second. The California plan, which involves the purchase and equipment of a printing plant, managed by State officials, for the purpose of printing State school books, does not appear to be desirable for Georgia.

Six members agree to the foregoing:

M. L. Brittain,
J. T. Peyton,
H. C. Shuptrine,
W. J. Nunnally,
G. R. Glenn,
T. J. Woofter.

Five members of the Committee namely, Messrs. J. T. Peyton, H. C. Shuptrine, W. J. Nunnally, G. R. Glenn, and T. J. Woofter sign the following as the third and closing recommendation:

Third. We would not recommend the publication of our school texts by the Ontario plan. (Chairman M. L. Brittain believes that the Ontario plan is worth a trial.)

One member of the Committee, due to illness, did not participate in its findings, and one member dissented from the entire report.

DIVISION VI

THE STATE AND THE TEACHER

CHAPTERS XXII–XXV

CHAPTER XXII

THE TRAINING OF TEACHERS

The selections for this chapter relate to the work of the normal schools, and the efforts being made by certain states to secure a supply of trained teachers by utilizing the high schools.

I. Transforming Normal Schools into Colleges

[Pritchett, Henry S., in the *7th An. Rept. of the Carnegie Foundation for the Advancement of Teaching*, 1912, pp. 149–152.]

How great a part personal and institutional ambition has played in the development of educational politics it would be difficult to say, but the results of it can be seen in every state where the divided institution exists. These appear usually in two forms: first, the endeavor of each institution to cover the whole field of education and the consequent duplications which ensue; secondly, the widespread tendency to drop the legitimate work for which the institution was founded in order to take up some other work, which appeals to the ambitions of its president, or of its board of trustees, or of its faculty or alumni.

Examples of the first sort have just been alluded to. Other examples in the educational history of Iowa, Colorado, Michigan, and various other states will readily occur to the reader.

Where three or four state institutions exist, this rivalry has inevitably led to much commerce with the legislature, to overlapping institutions, and in nearly all cases to a strenuous struggle for students. The three-cornered rivalry between the university, the agricultural and mechanical college, and the normal school in the states like Iowa and Kansas are typical instances of the results of such a régime.

A singular outcome of this situation in recent years has been the effort of the normal school in many states to transform itself into an arts college. The normal school is at best a singular institu-

tion, seldom related logically to the educational system of its state. Its weakness from the educational point of view lies in the fact that it undertakes to make a teacher of a man or woman whose education is so limited as to afford slender basis for a teacher's training. From the time of Horace Mann, however, it has been the agency upon which our states have come more and more to depend for the training of teachers for the elementary schools, and particularly for the rural elementary schools, since the larger cities have in many cases provided agencies to train teachers for their own schools. Notwithstanding its educational isolation, some such agency as the normal school seems necessary at the present stage of our educational organization, and probably will be necessary for many years to come. When one considers that in many of the middle western states not more than ten per cent of all the public school teachers have had the equivalent of a high school education, one realizes that in order to obtain the necessary teachers for the common schools of the country, some agency must for a long time prepare a large number as best it may. One may well hope that the low standards of training for rural teachers now in use in many states may be raised, and that the necessary number of teachers may be forthcoming at a continually higher level, and that school teachers may soon be themselves fairly educated men and women. In any case the function of the normal school in our present situation is definite, clear, and of immense importance. It is therefore little less than astounding to find normal schools in so many states ready to turn aside from this definite and important work, in the effort to transform themselves into weak colleges, and this, too, in states where the number of such colleges is already larger than the ability of the population to sustain. This movement has arisen in some cases out of the ambitions of the heads of these institutions and of their faculties, who somehow have the mistaken feeling that the work of the college is more honorable and more desirable. In some cases it has been undertaken with the honest belief that the two institutions, college and normal school, would grow side by side, a result which would be against all our educational experience; but from whatever motive undertaken, it has inevitably involved these schools in politics.

An illustration of such legislation is found in the measure passed by the last session of the Wisconsin legislature to the following effect: "The Board of Normal School regents may extend the course of instruction in any normal school so that any course, the admission to which is based upon graduation from an accredited high school or its equivalent, may include the substantial equiv-

alent of the instruction given in the first two years of a college course. Such course of instruction shall not be extended further than the substantial equivalent of the instruction given in such college course without the consent of the legislature."

This language is capable of at least two interpretations. It might mean the extension of the normal school course for two years along normal school and pedagogical lines equivalent in intellectual demand to the corresponding years in college, thereby training a better teacher, or it might mean the superimposing on the normal school of two years of ordinary college work. Apparently both of these ideas were in the minds of those interested in the legislation. As a matter of fact, however, the normal schools have immediately translated this legislation into the authority for establishing the first two years of an arts college.

It requires no prophet to see whither this movement leads. Under the arrangement college students and normal school students are in the same classes. It will not be long before there is an attempt to so extend the curriculum that the equivalent of four college years will be given. Already the normal schools are introducing technical studies and asking for credit for the first half of curricula in agriculture and engineering. There are in Wisconsin eight state normal schools, and more are in prospect. This movement means the transformation of these schools from institutions primarily designed for the training of teachers to colleges having the ordinary college atmosphere with all the distractions which differentiate the American college from the professional school. It may be wise for these professional schools to be transformed into colleges, but if this is to be done, it should come only after a fair and full discussion of the whole matter from the educational point of view. There are those who contend that the atmosphere and spirit of the present day college can be successfully grafted upon the professional school. Perhaps this is true, although the evidence would seem to be against it. The result of such a mixture is likely to be an institution lacking the best qualities of both. But in any case, such legislation should not be enacted until those responsible for it have had a full discussion of the whole matter by men familiar with educational problems and who are not directly interested in the problems either of the Wisconsin normal schools or the Wisconsin endowed colleges. Wisconsin has in many respects led the way among American commonwealths in the intelligent use of experts in the solution of legislative problems. This question is one which ought not to be legislated upon without the light of expert and unbiased educational judgment. To legislate on such a technical question in the absence of an expert survey of the problem is to legislate in the dark.

II. The Problem of the Training of Teachers for the Public Schools of Iowa: Duplication of Work between the Iowa State Teachers College and the State University

1. *Report of the "Finance Committee" to the State Board of Education*

[From the 2*d Bien. Rept. Iowa State Bd. of Education*, pp. 60–61.]

In the public mind, especially in Iowa, there is confusion as to the function of a normal school. By very general consent, substantiated by wide practice in the United States, the following definition of a state normal school is accepted:

"A state normal school is a professional school of secondary grade established, maintained and administered by the state for the purpose of training teachers. It should be superimposed upon the high school and should require two years of academic and professional work in about equal proportion, its main purpose being to develop scholarly habits, professional knowledge, mental attitude and teaching power in the teachers of the elementary schools."

The normal school, as a professional school, should be differentiated from a department of education of a college or university. The function of the former is to train elementary school teachers and of the latter to train secondary school teachers and school administrators. A normal school is not a high school or college. It is distinctly professional and cannot be substituted for the one or the other.

In the state of Iowa an excellent normal school has been developed in the State Teachers College. In recent years a college department of education has also been fostered at this institution, resulting in duplication of similar work at the University. This duplication, again, leads to extravagance and a lowering of quality in the work. At the State Teachers College there are now 499 students registered in college work in education beyond the sophomore year. At the University 290 are carrying similar work. These students will presumably become high school teachers and school administrators.

At the Teachers College there are 1,645 students in true normal courses, preparing to serve in elementary school work.

At the present time there are employed in Iowa 16,000 teachers in the rural schools and elementary grades. About 5,000 new teachers are needed annually in order to maintain this number.

Surely Iowa needs teachers professionally qualified for this work, teachers who see in a clear light the need of hitching our rural schools to rural life. In the secondary or high school field and in the field of school administration there are employed in the state about 4,000 teachers. About 300 new teachers are needed annually in order to maintain this number. If Iowa is to hold its own in social rank with other states, these teachers must have college training as well as professional training in education. Already many of the higher positions are open only to those who, in addition to a college course, have pursued a year or more of graduate study. In states where legislation has defined the way, as in California, college graduation is required of all secondary school teachers; and this is the usual requirement to-day among city school boards.

In order now to supply the demand in Iowa for secondary school teachers and school administrators, one of two courses is open to the Iowa State Board of Education.

1. To develop a thorough college of liberal arts at the Teachers College in connection with professional courses in education. Such development necessitates strong departments in the modern and ancient languages, in philosophy, in psychology and in each of the sciences. It necessitates extensive laboratories, and museums.

2. To centralize at the University all of the training of high school teachers and of school administrators.

Reasons for the latter course on the part of the Board are:

First. That a strong college of liberal arts already exists at the University and must continue to exist at the University. The annual cost of this work in salaries to professors and instructors is $167,805.

Second. That the facilities for professional training in education are thoroughly established at the University and by comparatively slight increase in expenditure would be adequate to supply the entire demand.

Third. That advanced and graduate courses in the various liberal arts subjects are established at the University, enrolling 223 graduate students, most of whom expect to teach. To duplicate these courses at the Teachers College would be futile extravagance.

Fourth. That the most potent educational need in Iowa to-day is a supply of properly trained teachers for the rural and elementary schools. To meet the demand in this field will more than exhaust the present resources of the Teachers College. This institution should not only bend all of its energies to this mission, but it should encourage the establishment of several additional

institutions in other parts of the state to aid in the same service. There are in Iowa 16,000 teachers in the elementary field and to work out the problems in connection with their task is a century's solid struggle. With this division of this field, the University would, in connection with the colleges of Iowa, work intensively upon the secondary problem.

Fifth. That this general plan of coordination is in line with the resolutions of the National Educational Association (Report of the Committee of Seventeen, 1907). It is approved also by Dr. Kendrick C. Babcock, Specialist in Higher Education in the Bureau of Education at Washington; by Dean James E. Russell, of Teachers College, Columbia University, and by Dr. Henry S. Pritchett, President of the Carnegie Foundation.

In view of these considerations, we recommend that the function of the Iowa State Teachers College be to train teachers for the rural and elementary schools; and that all work in professional educational training and in liberal arts beyond the sophomore year, or two years beyond a four-year high school course, be discontinued.

2. *Letter from Dean Russell on Duplication*

[From *2d Bien. Rept. Iowa State Bd. of Education*, pp. 72–74.]

The following letter from Dean Russell, setting forth his conception of the relations that should exist between a state university and the state normal schools, in the matter of the training of teachers, sets forth in remarkably clear language the fundamental principles involved, and is reproduced here for that reason.

TEACHERS COLLEGE
COLUMBIA UNIVERSITY, NEW YORK
OFFICE OF THE DEAN

September 23, 1912.

My Dear Sir:

In reply to your letter of the 16th instant, I beg to say that no one who is not intimately familiar with the local situation in Iowa is competent to judge on all the points submitted in your memorandum. I assume, however, that you are asking advice on the more general problems in order that you may settle the specific ones in the way most agreeable to all concerned. My answers,

therefore, have reference to the general policy applicable to any State, rather than to the adjustment which may best fit Iowa.

1. The foundation of all our educational system is the elementary school. In most states the elementary school is rural. Everywhere it is conceded that our rural schools are lamentably deficient, chiefly so because teachers are poorly trained and ill-equipped to give instruction that fits into farm life. We are slowly coming to realize that a rural school is bound to fail if it is run on the lines of the city elementary school. The present situation is largely due to the fact that our normal schools have been working on city lines. I say that without intending to criticize the normal schools. They have been obliged to meet the most pressing demands, and the call from the city has so far been the most insistent and remunerative. But I am convinced that from this time on rural teachers will be better paid and that those who are thoroughly fitted for the work will be in great demand. In my judgment, therefore, the chief task of the normal school in the next generation will be to ascertain how to train teachers for rural schools, to educate rural communities to the point of demanding a suitable rural education and to elevate the professional position of the rural teacher. All this is a great work — probably the greatest educational work ever attempted in this country. It is the most interesting and inspiring task that has ever been proposed to any body of educators. Any institution fortunate enough to be permitted to enter upon it is to be congratulated.

2. The training of teachers for high schools and of administrative officers should be superimposed upon a sound collegiate foundation. It is useless to talk of professional training for persons who do not have a good academic training. In fact, the ordinary college course is insufficient. High school teachers need *specialized* information, in precisely the way that lawyers, engineers or farmers need specialized information. The ordinary Arts course does not give that kind of training. Hence the criticism of those who advocate normal school training as a corrective, and of those who would remedy defects by a post-graduate course in academic studies. Both are right and both are wrong. What is wanted is a general education as broad and liberal as circumstances will permit; next, specialization along the lines which the teacher will follow; then training to develop technical skill in teaching.

3. It needs no demonstration that the cheapest way for any state to train its secondary teachers is in connection with the State University. Every department of such an institution is already equipped to give the first steps in the preparation of the high school teacher. The diversity of interests in secondary education makes

imperative a wide range of studies. The necessary subjects can be given, of course, anywhere, but when a state needs only a few hundred teachers a year it is not good financial policy to duplicate collegiate courses for a few when they must be given in a university for many. Moreover, it is no easy task to build up a thoroughly good Arts course even in one institution; to say nothing of the difficulty and indirect loss involved in trying to maintain two or more such courses under one general management. If the two were equally good the chances are that both would be inferior; while with the funds expended upon two, one good school might be maintained. In other words, I regard the separation of the Arts work into two institutions as tending to lower the quality of both, or as increasing unduly the expense of what the state needs.

4. The chief criticism of the University as a training school for teachers is that it restricts itself to the academic work and opposes all professional interests. We should have no law school, or medical school, or engineering school, worthy of respect if these schools were relegated to the position of departments in a college and the administration vested in the typical college faculty. Professional work presupposes specialized knowledge — mechanics as well as physics, statute law as well as economics and ethics, pathology as well as physiology. So the teacher needs to study every subject in the light of its uses in the school-room and from the viewpoint of the school pupil. Next comes the practical application of his knowledge in actual school work, as guided and determined by sound educational theory and practice. Unless the University is prepared to do for the teachers what it does for the engineer, the lawyer, and the physician, the training of teachers might better be entrusted to the normal school — better a poor training along right lines, than something supposedly better directed away from the proper goal. I believe that a School of Education should be a part of every State University, that it should have charge of the instruction in specialized academic courses and give the theoretical and practical courses in secondary education and school management, and that it should have access to a real school or school system for the same reasons that a clinic and a hospital are needed in connection with a medical school.

5. In my scheme, the normal school should confine itself to the training of teachers for elementary schools. In order to save expense, until the school becomes unduly large, I would have both phases of elementary education (rural and urban) taught in the same institution, but there is enough difference in point of view and in spirit to warrant two distinct courses — one for rural

teachers, the other for teachers in city schools. Of course, there would be much overlapping, but in some way rural teachers must be made to feel that they are in no sense inferior to city teachers. The creation of a proper attitude of mind and the infusion of high ideals are quite as important in teacher training as anywhere else in the world — much more important, in fact, than in most other vocations and professions. Hence, I would do everything possible to exalt the work of the rural teacher, as compared with the teaching in city schools; and for similar reasons I would dignify the study of elementary education in general. Such a process is most difficult in a university atmosphere. Almost to the present day collegiate conventions and traditions have succeeded in strangling the training of secondary teachers. In many universities the process is still going on, but it can be overcome, and the university association can be made a source of strength in the training of secondary teachers and school administrators. I doubt if it is possible in the elementary field. Fortunately, the great number of teachers needed annually in elementary schools makes it quite as economical to segregate them in a special institution. Hence, the separate normal school.

6. So far as the situation in Iowa is concerned, I think the normal school has been fully justified in training secondary teachers, but my opinion is based on the wretchedly poor support given to the department of education in the University. The moment the University is prepared to treat secondary education as it treats other professional work, that moment the normal school can go over body and soul to the greater task of meeting the needs of the state in elementary education. The elementary field, including rural education, offers incomparably the greater and more inspiring work, but it will need all the ingenuity and self-sacrifice of the normal school faculty, coupled with the strongest support that your board can give, to educate the state to a realization of its dependence upon the elementary teacher (rural as well as urban) for the conveyance to the people of that culture and scientific knowledge which the University and the Agricultural College are designed to afford.

I realize that this is a long letter; perhaps too long to be of any use to you, but I am greatly interested in what you are doing, and would gladly be of some service to you. According to my present plans, I expect to be in the central west late in October, and if you can use me in any way you are free to command.

I am, Sincerely yours,

JAS. E. RUSSELL.

III. Training Classes in the High Schools

Both Kansas and Nebraska have done very remarkable work in the development of high school training classes as a means for securing a supply of trained teachers for the rural schools of the state. The following report of the then State Inspector gives a very clear idea as to the work and results of such classes. The correlation of the industrial work with that of training teachers is a marked point of merit in the Kansas plan. In connection with the new county schools of agriculture this plan for teacher training promises much for the future for the rural schools.

1. *Normal and Industrial Training in High Schools*

[Report of Kansas State Inspector. From the 18*th Bien. Rept. Supt. Publ. Inst. Kas.*, 1911–1912, pp. 23–32.]

Hon. E. T. Fairchild, State Superintendent of Public Instruction, Topeka, Kan.:

Dear Sir — In the line of my duty, I beg to submit the following report of normal and industrial training in high schools for the biennium 1911–'13. For the sake of comparison, I have also deemed it advisable briefly to review the history of normal work in Kansas high schools from its inception.

Since 1886 there have been a few high schools in the state authorized to offer normal-training courses and to grant graduates from such courses a two-year county teacher's certificate; but these schools never exceeded twenty-three in number, were widely scattered, and benefited only their own immediate localities.

Realizing the need for better schools, particularly better rural schools, and recognizing that the first requisite for better schools is better trained teachers, the Kansas Educational Commission of 1908 recommended the enactment of a law providing for a normal-training course in at least one high school in practically every county in the state. In pursuance of this recommendation the legislature passed the normal-training act, which became operative May 29, 1909. By the provisions of this act, the State Board of Education was empowered to prescribe regulations under which accredited high schools might offer a course in normal training for prospective teachers. To further the work $50,000

per year were appropriated for the biennium. This money was to be used only for the payment of additional teaching force, and was to be apportioned by the State Board of Education to deserving schools in such a way as best to serve the school interests of the entire state, provided that the amount apportioned to any one county was in no case to exceed one thousand dollars. The law further provided that to be eligible to participate in the fund a school must have at least ten students each semester in regular attendance upon the normal-training course. At the completion of their course these students should be given an examination by the State Board of Education, and upon passing such examination should receive a normal-training teacher's certificate, good in the public schools of any county in the state for a period of two years, and to be indefinitely renewable for two years at a time upon conditions fixed by the Board. Accredited academies might receive all the privileges and benefits of the act except that of state aid.

The more important regulations as first prescribed by the State Board of Education for the conduct of normal-training classes were:

The distinctively normal-training work should be given only in the senior year of a four years' high-school course, and only seniors or postgraduates should be permitted to take it. This work was to consist of one-half year in psychology, one-half year in methods and management, a year in American history and a review of arithmetic, geography, grammar and reading. A pedagogical reference library consisting of not fewer than thirty volumes was to be provided by each school. All teachers teaching normal-training classes were required to be graduates of accredited colleges or state normal schools, to have had at least two years' teaching experience, and to be approved for the work in question by the state superintendent of public instruction. Observation visits were made a regular part of the normal-training course, and these visits were to be made once a week, or at least often enough so that the class should make at least one visit to each grade in which each subject was taught.

As will be observed, the normal-training work was originally confined to the senior year. This was done in order that existing high-school courses might be disturbed as little as possible. But a year's experience with the work as first outlined, together with the popular demand for its extension, led the State Board to provide that, beginning with the school year 1911–'12, one-half year of hygienic physiology, one-half year of civics and one-half year of psychology should be required of all normal-training students

in the junior year, together with sufficient other work from any regular high-school course to make the necessary four units; and that after that date the work in the senior year should consist of a year of American history, a year of physics, one-half year of methods and management, and a review of one-half year in arithmetic and of twelve weeks each in geography, grammar and reading, the reviews to be presented with special reference to methods of teaching. With the exception of this extension of time, the provisions and regulations as first adopted are still in effect and have proved eminently satisfactory.

For the year 1909–'10 the normal-training course was instituted in 110 high schools and academies; of the 105 counties in the state, every one in which there was a school able and willing to meet the requirements was represented in the list — 78 in all. In these schools 721 seniors and postgraduates completed the normal-training work and took the prescribed examination. Of this number 615 were successful and received the state-wide renewable normal-training teacher's certificate.

For the year 1910–'11, 125 schools, representing 80 counties, were approved in accordance with the provisions of the normal-training act. In these schools 946 seniors and postgraduates completed the course and wrote upon the examination; of this number 704 were successful.

During the year 1911–'12 the normal-training course was offered, according to the regulations, in 160 schools, representing 90 counties. In these schools 1256 applicants took the examination, and of these 1125 secured certificates.

For the year 1912–'13, 189 high schools and academies located in 92 different counties of the state are offering the normal-training work, and have an enrollment in the normal-training classes of more than 2500 junior, senior and postgraduate students.

That the normal-training movement is rapidly accomplishing the purpose for which it was instituted and is furnishing better prepared teachers in increasing numbers for our common schools is clearly demonstrated by the following figures: Your biennial report for 1910–'11 shows that there were then 7873 teachers employed in the rural schools of the state. Of this number but 197 had a normal-school training or its equivalent; 2379 were high-school graduates, and 1639 had attended high school one year or more, while 3658 had only such training as could be obtained in the common schools. Elsewhere in this volume it is shown that there are now 7842 rural teachers employed in the state. Of this number 238 are graduates of colleges or normal schools, 2980 are high-school graduates and 1654 have attended

high school one year or more, leaving but 2970 with only a common-school training.

Indeed, the normal-training act, in conjunction with the recent legislation requiring a graduated increase in the preparation for teaching, means that within a decade no teacher will be teaching, even in the rural schools of Kansas, who has not had at least a full four years' high school course, including specific work in normal training.

Graduates of the state normal schools are almost always able to secure grade- and high-school positions, and consequently rarely go into the country schools, nor would the establishment of additional state normal schools greatly improve conditions in this respect, because students would not feel that they could go to the expense of leaving home and taking a four years' course in order to prepare themselves to become country teachers. But the fact that under the normal-training act they can get a year's professional training in the local high-school course, and at the end of it secure a state-wide certificate good indefinitely if successfully used, is serving at once to induce more young people to enter high school with the intention of becoming teachers and to hold more of those entering school until the course is completed.

Moreover, this new course has given the high school itself a higher place in the esteem of the people, because it serves in part to meet their demand for curricula that are more practical; for even before there was any attempt at special preparation for the work, substantially 40 per cent of all our high-school graduates went immediately to teaching.

Again, the introduction of the normal-training course has had a most salutary effect upon the entire school life of the communities concerned. It is the common observation of superintendents that the interest in school work is stimulated by the very immediate and definite end which the normal-training young people have in view, and that this feeling reaches and influences students not taking the normal work. The study of psychology, methods and management gives a new view to school problems and school responsibilities, and this awakening has had a marked effect on the attitude of the whole school toward matters of discipline and administration. Then, too, the observation work has not only greatly benefited the prospective teachers but by reacting upon the work of the teachers visited has also resulted in infusing new life and energy into the work of the grades. In view of all these things, therefore, I believe that the legislature could not spend the state's money more wisely than by adding at least $5000 a year to the appropriation for normal-training in high schools for the

next biennium, to the end that additional schools might be approved.

Actuated by the growing demand for industrial work in our schools, and influenced by the success of the normal-training movement, the legislature of 1911 appropriated $25,000 per year for the biennium to encourage the introduction of courses in agriculture and home economics in schools already recognized under the normal-training act. The terms of the appropriation provided that schools approved for the normal-training course might also receive $250 each for offering courses in agriculture and home economics, under such regulations as the State Board of Education might prescribe, provided that no school should receive the benefits of the act unless it had at least ten pupils enrolled in the industrial courses each semester. In conformity with this legislation, the State Board of Education adopted the following regulations:

1. The amount of work in agriculture required shall be one year; agriculture being defined as follows: A study of soils, and farm, garden and orchard crops; or a study of soils, farm, garden and orchard crops and animal husbandry. Laboratory work shall require two double periods per week.

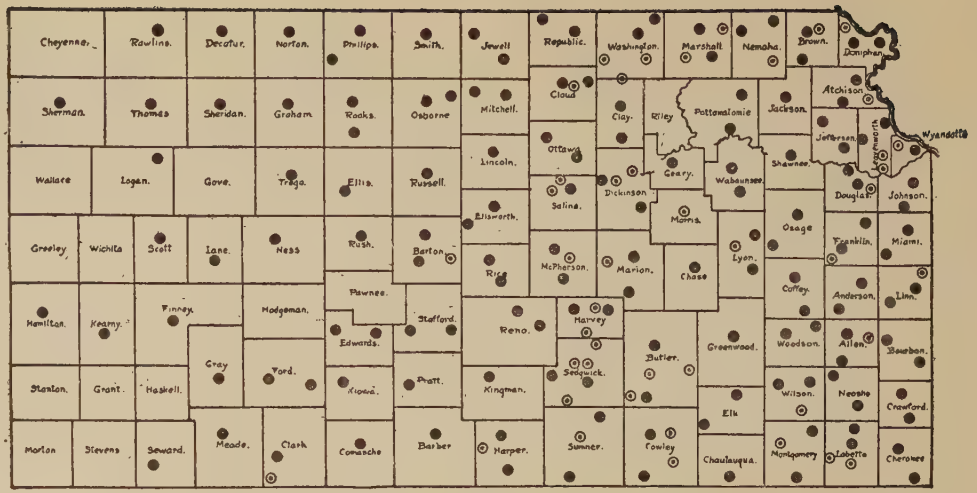
2. The amount of household economics required shall be one year, and may consist of a year of cooking, or a year of cooking and sewing combined. In the event cooking and sewing are combined, three days out of the week shall be devoted to cooking and two days to sewing, laboratory work requiring double periods.

3. The ten pledgers to the industrial work required by law may be divided in any proportion between agriculture and household economics, but classes in both subjects must be maintained to entitle a school to the state aid.

4. Teachers in either of these courses must satisfy the State Board of Education of their fitness to teach the subjects, and the approval of the State Superintendent of Public Instruction shall be required in every case. General-science teachers may be approved to teach the agriculture if their preparation seems sufficient; but a year's special training for the work in some recognized industrial school is the minimum requirement for teachers of household economics.

For 1911–'12, 90 high schools qualified under the industrial-training act and enrolled 3031 students in their classes in agriculture and home economics. For 1912–'13, 96 schools have been approved and are offering these very popular and practical subjects to more than 3500 pupils.

From my visits to the approved schools, I am able to say that the work has on the whole been done in a highly satisfactory manner.



● Receive State Aid. ⊙ Receive No State Aid.

FIG. 2. Distribution of the Normal-Training Classes in the Kansas High Schools, 1913.

The greatest difficulty has been to secure teachers of agriculture who combined general scientific knowledge with practical agricultural training. But now that the need for such training is becoming manifest, more teachers will seek specially to prepare themselves for the work, and with the increased emphasis that is being placed upon agricultural education by our higher institutions, the means for such preparation will manifestly become constantly easier. I would therefore recommend that at the earliest feasible moment the requirements for teachers of agriculture in the recognized schools be both increased and made more specific.

The work in cooking and sewing has in every instance been done by specially trained teachers. These teachers have not only known their subject matter, but almost without exception have been able to present it effectively and to conduct the classes in general in a most acceptable and satisfactory manner.

In view of the excellent results obtained from this industrial work, and because of the need and desire for its extension to other schools, I would respectfully suggest that the next legislature be asked to increase the appropriation $5000 per annum for the coming biennium.

Respectfully submitted,
W. D. Ross,
State Inspector Normal and Industrial Training in High Schools.

The following statement, by a former state supervisor of rural schools in South Carolina, states the problem which the rural schools of a state that can pay but a small annual wage must face, and the importance of high-school training classes in helping such a state to solve the problem.

2. *High School Training Courses in South Carolina*

[W. K. Tate, in 43*rd An. Rept. State Supt. of Educ. for S. Carolina*, 1911, pp. 101–104.]

After all is said and done, however, the fact remains that we can never expect many of our country schools to be taught by teachers who have received college or normal school training. Winthrop College is perhaps the largest and best normal training school in the South. Her graduates are well trained, earnest, and enthusiastic, and rarely do we find a failure among them. After

twenty-five years of good work, however, there are fewer than 350 Winthrop graduates now teaching in South Carolina. This is less than half the present student body. The explanation is easy. The average Winthrop graduate marries before she has spent as much time in the schools as she spent in the college walls. Her training course is by no means wasted, but this fact does not simplify the problem of those who are endeavoring to find trained teachers for the country schools of the State. The same is true of the graduates of other colleges. . . . Most of our country teachers are at best high school graduates, and we must meet the condition which actually presents itself. If they are to have any special preparation for teaching it must be given in connection with the high school. *In my opinion the situation imperatively demands a short training course for rural teachers in connection with selected four-year high schools of the State.* In proportion to the expenditure, this would give the largest immediate returns for the country schools.

* * * * * * *

The average teaching life of a South Carolina teacher is four years. We cannot afford to let her spend even one year of this time in painful groping or hopeless inefficiency. It may be urged that a teacher should complete a college course before taking up professional work. This may be true, but we must remember that we are dealing with conditions and not with theories. As long as our country schools are taught by people who have had only a high school training or less, it is nonsense to argue that preparation should be delayed till the completion of a college course. If our country boys and girls are to have satisfactory educational opportunities, something must be done. At present, because of lack of preparation, most of our country boys and girls are debarred from college scholarships, and consequently many who because of their country experience would make good rural teachers have no opportunity for preparation. A girl reared in the city cannot enter into full sympathy with country conditions, and is naturally not inclined to submit to the inconveniences which fall to the lot of the country teacher. The result tends to perpetuate and accentuate differences which are already too great. The high school training course will give a measure of relief.

CHAPTER XXIII

THE CERTIFICATION OF TEACHERS

The first article reproduced describes the history of nearly a century of effort in Indiana in the evolution of a state system for the certification of teachers for the schools of the state, and with the process as yet incomplete. The history of the struggle in Indiana is typical of the experience in many other states. The second article points out the chief defects still existing in our certification laws, and the remedies still needed. The third constitutes the recommendations of the Illinois Educational Commission with regard to the matter, and the arguments there advanced for a state system, as opposed to a series of local systems, are fundamentally sound.

I. The Licensing of Teachers in Indiana

[From Rawles, W. A., *The Centralization of Administration in Indiana*, pp. 85–92.]

From the first attempt to establish a school system, it was recognized in theory that some special test of the fitness of teachers should be required. The law of 1824 gave the sub-trustees of the school district authority to employ a teacher, who was required "to produce the certificate of the township trustees that they have examined him touching his qualifications and particularly as respects his knowledge of the English language [reading and spelling], writing and arithmetic." Although this provision was mandatory, the practical operations of the law could scarcely be called a test. The officers who passed upon the qualifications of teachers seldom had qualifications sufficient to apply the law. Incapacity to earn a living in any other way seemed often the chief recommendation of the teacher. State Superintendent B. C. Hobbs said: "The pioneer teachers were generally adventurers from the East or from England, Scotland or Ireland, who sought

temporary employment . . . or men unsuccessful in trade, or who were lame or otherwise disabled."

In 1833 it was provided that no teacher should be employed unless he should "sustain a satisfactory examination before the district trustees, touching his ability to teach reading, writing and arithmetic." An effort was made in 1834 to give to the examination a more professional nature. The Circuit Court was given power to appoint annually for each county three examiners, whose duty it was "to certify the branches of learning each applicant was qualified to teach." Their authority was not final; for they were "only an auxiliary to aid" the district trustees, who still possessed the right to examine the teachers. In other words, a teacher holding a certificate of qualification from the examiners might be refused employment if he had not been examined and approved by the district trustees. A few years later trustees were forbidden to employ any teacher who did not hold a certificate granted by one of the examiners; but the district trustee enjoyed the privilege of subjecting the applicant to further inquiries, to ascertain whether or not he was of good moral character. The following year it was made optional with the district trustees to require any teacher asking for employment to procure a certificate from the school examiners, stating the branches which he was qualified to teach.

In spite of this reactionary provision, there was a growing conviction that the improvement of the schools was dependent upon the elevation of the teacher's calling to the rank of a profession by requiring of him the possession of higher ability, more thorough preparation and finer character. The personnel of the teaching corps was gradually improving. However, it is not to be supposed that in all sections the law was enforced with uniformity and impartiality. Often it was necessary to lower the standard in order to secure any one who was willing to accept the meagre compensation offered.

The law of 1843, designating the Treasurer of State *ex officio* Superintendent of Common Schools, instituted no connection between that officer and the county examiners, and required no report from them. The lack of system and uniformity is well illustrated by the special laws for sixteen different counties, permitting their boards of county commissioners to appoint one or more persons in each civil township of their respective counties as examiners of common school teachers.

In 1847 the standard was raised somewhat by the requirement that teachers should be qualified to teach orthography, reading, writing, arithmetic, English grammar and geography; but the

last two requirements might be waived by a request of a majority of the voters at a district meeting. Four years later a still greater concession to the wishes of individual neighborhoods was given, by making it lawful for a majority of the voters at a school district meeting to dispense with such legal qualifications of school teachers as they might deem proper.

In 1852 a decided step towards centralization was taken. The office of examiner was abolished and the State Superintendent of Public Instruction was given power, either by himself or his deputy,[1] to examine all applicants for license and to grant certificates for one or two years. Such licenses could be revoked by him if the teachers should prove incompetent. No officer could employ a teacher who had not procured a license. The law did not require the deputy to use questions prepared by the State Superintendent, and but few deputies were appointed under this act.

There is little doubt that this centralization of authority was unpopular, for in the next year the office of county examiner[2] was revived. The examiners were required to forward an annual report to the State Superintendent, showing the dates of issuance and expiration of all licenses granted by them. The terms varied from three to twenty-four months. The State Superintendent still had authority to license teachers at his pleasure. As this law applied to all counties and districts without exception, it assured a greater degree of uniformity. At the same time, its flexibility made it adaptable to the needs of all communities and thus, in a a measure, silenced objections. The purpose of having a graduated scale was to set a high standard of qualification at which all persons proposing to teach should aim, and at the same time to provide for the existing emergencies, owing to the scarcity of teachers, by authorizing a short-term license to persons who might not be able to pass a rigid examination. From the subsequent reports of examiners, this seemed a wise and necessary expedient.

The regulation of the issuing of teachers' licenses was far from satisfactory. A license granted in one county under a lenient examiner was legal in any other county where a more exacting test was required. There was no authority for the revocation of a license issued by an examiner. There were serious charges of partiality where private examinations were permitted. There was no uniform standard in the examinations even within a single county. "He who was most lenient and superficial was most patronized. A teacher failing to pass with one examiner frequently applied to another and received a license." With the

[1] He was authorized to appoint one deputy in each county.
[2] From one to three in each county.

increase of the powers and duties of the examiners in 1861, there went a corresponding centralization of authority over examinations. Licenses were limited in their authority to the county in which they were issued. The examiner was required to report to the State Superintendent the names of the persons to whom he had granted licenses. He had discretion to omit from the test any of the six required branches [1] if requested to do so by the proper trustee. The mischievous effects of this clause were abated by the proviso, that such a license should be limited to the particular school in which the holder wished to teach, could not exceed six months, and could not be repeated to the same person. He had power to revoke licenses for incompetency, immorality, cruelty or general neglect of school business, the defendant having the right to appeal to the State Superintendent. That officer still had authority to issue licenses at pleasure and could revoke certificates which he had granted. These changes resulted in the elevation of the standard of the scholarship of the teachers at least fifty per cent. In some quarters there were at first considerable feeling and opposition, but in a short time the law proved eminently satisfactory to teachers and school officers alike. The State Superintendent expressed the belief that but few "special" or "limited" licenses were issued.

A tendency in the opposite direction was shown in the law enacted in 1865. It provided that if the school meeting should designate the teaching of other subjects or a less number of branches than those required by law, the teacher was to be examined in only those branches. This change received the almost universal disapproval of teachers and examiners; and the provision was in a short time repealed.

The practical questions of the best methods to raise the standard of qualification and to provide for the issuing of licenses were annually discussed by school officials and associations of teachers and of school officers. There was a feeling that suitable provision should be made for the issuing of a teacher's license that should be good in any part of the State and for the lifetime of the holder. The difficulty of finding a suitable board to conduct the examination was solved satisfactorily in 1865, by giving the State Board of Education power to grant "State Certificates of Qualification to such teachers as may, upon a thorough and critical examination, be found to possess eminent scholarship and professional ability and shall furnish satisfactory evidence of good moral character." Such a certificate entitled the holder to teach in any

[1] Orthography, reading, writing, geography, arithmetic and English grammar.

school of the State without further examination, and was valid during the lifetime of the holder.[1] The law very wisely left much to the wisdom and discretion of the Board, who prescribed the conditions upon which State certificates should be issued.

In the local examination of teachers there was great diversity. Each of the ninety-two examiners fixed the standard for his own county; hence no common standard prevailed throughout the State. In some instances the questions were provokingly difficult; in others they were puerile. In 1871 the State Board of Education took a new departure by preparing a series of twelve sets of examination questions upon the branches required to be taught, and sending one set each month to the examiners with instructions to use them in the examination of teachers on the last Saturday in the month. The examiners generally accepted the questions and acted upon the instructions. The result was the elevation of the general average of the examinations and their complete unification. This is a good example of the wise exercise by the State Board of its advisory power.

An attempt was made in 1899 to constitute the State Superintendent of Public Instruction and the State Board of Education the exclusive agencies for issuing licenses. The arguments advanced in support of the proposition were as follows: It would insure the same standard in all counties; it would equalize wages and elevate the school work in the poorer sections of the State; it would remove the possibility of using personal influence to secure a certificate; it would save teachers the time, expense and annoyance in going from one part of the State to another to take their examinations; and finally, it would give the county superintendents their summer months in which to plan their work for the ensuing year, or to attend advanced schools. This seemed to many conscientious friends of education too great a centralization of power, and the law finally enacted was a compromise. The use of the questions furnished by the State Board of Education was now for the first time made obligatory. Applicants were given the right to elect to have their manuscripts sent to the State Superintendent for examination, and a license granted by him is valid in any county. The State high school licenses were made to include, in addition to the common branches, such additional subjects as the State Board may elect. The State Board also fixes the standard of all licenses by indicating the minimum per cent. in each branch and the required average for each grade of license. The authority of the county superintendent in respect to the revo-

[1] In 1883 the same board was authorized to grant "professional licenses," which were good in any county of the state for a period of eight years.

cation of licenses, was extended to those hereafter granted by the State Superintendent, with the right of appeal to that officer by the defendant.

The experience in respect to the subject of licensing teachers may be briefly summarized as follows: Prior to 1852, complete decentralization, with the authority vested in district and township trustees (1824–1834) and later in the county examiners (1834–1852);[1] complete centralization in the hands of the State Superintendent and his deputies (1852–1853); a compromise, effected by giving this authority to county officers (examiners, 1853–1873, and county superintendents, 1873–1902), with the right[2] to grant licenses retained by the State Superintendent until 1865. Since that date there has been a gradual extension of the powers of the State Board of Education and the State Superintendent until they have become the controlling authorities in this matter.

In 1907 a further step in advance was made by a law which constituted the State Board of Education a State Training-School Board, gave it power to accredit colleges and normal schools in the state and to outline courses for the training of teachers, and provided that all new teachers must have taken a course of not less than twelve weeks in professional work as a prerequisite for certification. A minimum salary law also graded salaries on the basis of certification and training.

II. The Certification of Teachers in the United States; Defects and Remedies

[Being pp. 73–77 of the monograph on *The Certification of Teachers*, issued as Part II of the *Fifth Yearbook of the National Society for the Scientific Study of Education*, 1906.]

In the study we have made of present conditions, perhaps the two most significant weaknesses revealed in our systems of certification were the low standards and the great lack of uniformity. To raise and to standardize our certification requirements ought to be the main lines of future progress.

The amount of common knowledge which we as a people have is increasing so rapidly, our elementary-school curriculum is being enriched so fast, and the general intelligence of our people is becoming of such a standard that the teacher with a meagre intellectual equipment should no longer have a place in our educa-

[1] There were numerous exceptions in favor of district trustees and patrons.
[2] This power was seldom used.

tional system. Yet Table III in Chapter iii shows clearly that, for the twenty-eight states tabulated, it is possible to secure a third-grade teacher's certificate in 90 per cent. of the number with no educational test beyond the common-school branches; and for the thirty-seven states tabulated it is possible to secure a first-grade certificate, in two-thirds of these states, without giving evidence of knowing anything about a single high-school subject except algebra, and in two-fifths of the states without knowing even this. These low-standard certificates are wholly out of place to-day, and ought to be eliminated at the earliest possible moment.[1]

The great diversity in our requirements and our unwillingness to recognize equivalents are two of our marked educational characteristics. So great is the diversity that a good teacher to-day is unnecessarily hampered in his ability to move about, not only from state to state, but also from county to county, and often from county to city and from one city to another. Many of these restrictions are not warranted by any educational standards, but are more of the nature of a protective tariff levied on foreign capacity and in favor of home production. This makes the local examination system, with its accompanying barriers, in the nature of a protected industry, and this is not in the interests of good education. The strict county system too often perpetuates the rule of the weak by shielding them from the competition of the strong. All barriers to competency are wrong.

That these barriers exist has been pointed out frequently in previous chapters, and need only be summarized here. In fourteen states there is no admission to the teaching profession except on examination. In eleven of these states forty or more subjects are required to secure the highest certificate granted, and all must be secured on examination. In fourteen states no recognition is given to diplomas from normal schools or other institutions of learning within the state. The graduates of such institutions are placed on a par with the "graduates" of the country school. In nineteen states absolutely no recognition is given to any form of credential from another state. Only eleven states recognize normal-school diplomas from other states; seventeen recognize college or university diplomas from outside the state; and eighteen recognize a life-diploma or state professional certificate from elsewhere. In a number of our states there is no recognition of certificates from one county to another within the state. Many of these barriers are indefensible, while the defense of others can be eliminated with ease by raising and standardizing requirements.

[1] There have been some changes in the line of progress since this was written, in 1906, but the conditions described remain in large part true even now.

The great diversity of our requirements may be seen from Table III in chapter iii, and Table V in chapter v. We ought to work toward greater uniformity by the establishment of educational prerequisites, common requirements or norms within subjects, options and equivalents as between subjects, and the entire abolition of certain other subjects from the list of tests. We need to do in the examinations for teachers' certificates what the colleges have done in the matter of entrance requirements, viz., unify as much as possible and then accept evidences of education, equivalent subjects, and equivalent certificates, so far as they go, leaving the candidate to supply the balance by an examination instead of requiring him to pass on the entire list. This could be done by agreements between the states.

The low standards are also apparent in the requirements for life certificates. This is evident from Table V, pp. 54–55. While a state life-diploma ought to be of such a standard that it would be accepted willingly anywhere in the United States, many of the low-standard life-diplomas now granted certainly ought not to be recognized from state to state. A life certificate ought to be led up to by a series of graded certificates, each demanding higher and higher standards; and the state life certificate, the culmination of a teacher's certificating career, should be given only to those whose education and professional standing single them out as the state's most capable teachers. In a number of our states, on the contrary, a life-diploma is obtainable on the single basis of a definite number of months of teaching experience, and hence involves no educational standards of any consequence and really stands for nothing.

Each state must, of course, be allowed to set its own standards, and it cannot be expected to accept certificates or diplomas from states having a distinctly lower standard. This should be recognized and accepted, and reciprocity should not be expected. Instead of being "uppish" about it and striking back by way of retaliation, as certain states do because their credentials are not accredited by some more progressive state, they should on the contrary welcome a teacher from such a state because of his better training and what he may bring.

It is possible, though, for most of our states to determine the value of credentials from elsewhere, and to recognize them as far as they apply. The work of California in this respect is most commendable. This state has a published list of accredited universities and normal schools throughout the United States and Canada, and a list of accredited state diplomas. Anyone possessing any of these credentials may be certificated in any county in

the state, without examination, and on the same terms as the holders of similar local documents. A fundamental principle in California is that the certification door should always be open for competency, from whatever quarter it may come.

In almost every state, too, these low-standard certificates are good for teaching in any part of the school system in which the holder can secure employment. This should not be allowed to continue, but separate certificates should be erected for special fields of work. In the case of high-school teachers this is especially important. Teachers in all branches of the service should be required to know more than they are expected to teach, and the importance of this for high-school teachers cannot be overemphasized.

In the field of supervision we have scarcely made a beginning in the preparation and selection of a body of educational leaders, and we are tied to present practices by a political string. In our lack of leadership we partake of a common weakness of democracy — that of emphasizing the importance of the masses and forgetting the leader who must lead and direct them. The soldier, the lawyer, the doctor, and the engineer have cast aside the apprenticeship and the successful-practitioner methods, but the educator has not as yet evolved that far in his thinking. Our pedagogical departments and the organized body of our pedagogical knowledge are too recent to have reached the point of general use and application. We are in education where the army and the navy were before the establishment of West Point and Annapolis, and where the engineer, the doctor, and the lawyer were a generation ago, before the development of modern professional schools for the training of leaders in these fields. Yet leaders must be trained for work in education, as in these other professional fields, if we are to make any great and worthy progress in the future.

In the matter of examinations there is great need of our decreasing the emphasis we now place on the written test. We could greatly improve our certificating systems by erecting certain educational prerequisites and accepting evidence of education in lieu of at least part of the examinations. As fast as can be done, the periodical written examination ought to be diminished in importance as a means of recruiting our teaching force. We ought to insist more and more on securing the educated and trained teacher instead of the raw recruit. Not only should the number of examinations be decreased, but teachers of training or of long and satisfactory experience ought to be relieved of the necessity of frequent tests. There is no valid excuse, for example, for compelling a graduate of a state normal school to pass a county examination before she can teach. If her normal-school diploma does not stand for better

education and better professional preparation than the county examination represents, and if she is not superior to the untrained product of the county examination method, then it is time either to renovate the normal schools of the state and put in a corps of teachers who can produce a better output, or to abolish them entirely and save an unnecessary expense.

The securing of the educated and trained teacher instead of the raw recruit is, however, an economic problem as well as an educational one, though this economic problem has an educational aspect as well. There never can be high educational standards for teachers in states which are organized on the district system, and which apportion their money on the very objectionable census basis and which raise but a small general tax, until there is a radical reform in the methods of raising school revenue and of apportioning funds after they have been raised. In the ultimate analysis there are but three primary problems in education. The first is how properly to finance a school system. The second is how to secure a trained teaching force for it. The third is how to supervise it and to produce leaders for its management and improvement. The financial problem always underlies the other two.

III. Power to Grant, Renew, Suspend, and Revoke Certificates to Teach

[From the *Final Report of the Illinois Educational Commission*, 1909, pp. 163–70.]

The certificating power does not necessarily imply the power to examine the candidate to test his scholarship. In the plan proposed this function is assigned to the State Board of Education. The examination questions should be prepared by the State Board of Education, or under its direction, should be uniform throughout the State, and all examination papers should be graded by it or under its direction. This is one of the most important features of the proposed certificating plan. The arguments that may be adduced in support of it are many and, we think, incontrovertible.

In the first place it guarantees complete fairness in examinations. The questions for all applicants are identical. No personal considerations affect the grading of papers. Every candidate stands squarely on his own merits so far as his scholarship is concerned. If he fails he cannot blame anyone but himself. Thus county superintendents will be relieved of unfavorable criticism by applicants and friends of applicants who are rejected on the grounds

of insufficient scholarship. Superintendents will be relieved also of the importunity of persons who, though lacking in scholarship, endeavor to secure a certificate on grounds personal, social or political. In Wisconsin in 1900, according to returns made to the Superintendent of Public Instruction, ninety per cent of the county superintendents were unable to limit the issue of certificates to thoroughly qualified applicants.[1] It is not so bad as that in Illinois, but there are few superintendents in the State who have not been embarrassed by this kind of pressure.

In the second place the assumption by the State Board of Education of the work of preparing examination questions and grading papers will relieve the county superintendent of schools of a large amount of clerical work, and thus increase his opportunity for effective supervision. The average number of days employed by the county superintendent of Iowa in grading papers and making out and mailing returns, prior to the passing of the new law in that state for certificating teachers, was fifty days.[2] In Illinois the time thus consumed is less since there are fewer examinations than there were in Iowa. But it is considerable, and to add this time to that which is now devoted by the superintendent to school inspection should greatly increase the educational efficiency of our county school system.

In the third place uniform examinations will insure inter-county recognition of certificates and thus obviate the necessity of the teacher's passing an examination every time a county line is crossed. At present there are 102 county examining authorities in the State. Consequently there are 102 standards and modes of testing the fitness of candidates. It is to be expected that the examination questions in different counties would not be calculated to test equally the applicant's scholarship and that the markings of examination papers would not be uniform. Hence inter-county recognition is impossible under the present system. But under the proposed plan there would be but one examining authority in the matter of scholarship and the only ground for the refusal of a county superintendent to recognize a certificate from another county would be lack of personal fitness of the candidate, and of course that would not be acted upon except in individual cases. The proposed plan, therefore, gives us what at present we do not have, namely, a State certificating system. There can be no system with 102 different county certificating authorities.

This point that the State Board of Education should grade the papers of applicants for certificates as well as prepare the questions

[1] Wisconsin School Report, 1899–1900, pp. 71–72.
[2] Iowa School Report, 1904–5, p. 149.

for examinations is of such importance that it deserves further emphasis. Minnesota and South Dakota tried the plan of leaving the grading of papers with the county superintendents, but were obliged to give it up. If the State Board of Education should merely prepare the examination questions and leave the grading of the papers to the county superintendent, it is obvious that there would not be or could not be general inter-county recognition of certificates. One county superintendent would not accept the grading of another county superintendent. But the principle of inter-county recognition is fundamental. If it were necessary for the county superintendent to surrender an important prerogative in order to secure the operation of this principle, the advantages that would accrue to the school system are sufficiently great to warrant such surrender. But the really important power, the certificating power, should not be withdrawn from the county superintendent. He should merely be relieved of the task of testing the applicant's scholarship.

It is easy to exaggerate the importance to the superintendent of the power to grade the papers of an applicant for a certificate. It has been held that it serves three purposes: First, it enables the county superintendent to judge the applicant more accurately than he otherwise could; second, it gives the superintendent power to keep out of his corps of teachers anybody he has a mind to keep out, simply by increasing the strictness of his grading; third, it is a means of maintaining the authority of the county superintendent over his teachers.

As to the first point it may be said that the estimate of the county superintendent is formed not by grading the papers of the applicant, but by reading them and this privilege is not withheld from him by the proposed plan. He may read the papers. If the superintendent should be in doubt as to the personal fitness of an applicant he ought indeed to read his papers and take into account his style and method and the general appearance of the papers as to form and neatness in arriving at his final judgment. The opportunity to do so is left with the county superintendent and therefore it cannot be rightly claimed that the proposed plan deprives him of any basis or means of judging an applicant which is now in his possession.

As to the shutting out of undesirable candidates it is difficult to see how the grading of an applicant's answers to questions set by the State Board of Education could be made to serve that purpose without injustice to the applicant. If he fails to pass the scholarship test he excludes himself. If his scholarship is up to the standard it would be unfair to reject him on the ground that

he failed in the examination. If he is rejected at all it should be done frankly on the ground that he lacks the necessary personal qualifications. It is doubtless an unpleasant duty to tell the person who applies for a certificate and passes the scholarship test that the certificate is refused him on the ground of his lack of personal fitness to teach, and it may be that for that reason under the proposed plan incompetency seeking entrance to the schools will not always meet with a determined resistance. Nevertheless, as all will agree, the duty of the county superintendent to the children of his county is perfectly plain. It is to reject incompetency. This is a duty which should not be shirked and to the imposition of which no really valid objection can be offered.

Finally, as to the maintenance of the superintendent's authority, it may be true that when a certain kind of teacher feels that he is entirely dependent upon the county superintendent for his grades and his certificate the authority of the county superintendent is more instantly and permanently recognized. But authority resting on this foundation and maintained in this manner is not of the kind coveted by thoughtful superintendents. There are other and better means of maintaining authority and establishing leadership. According to the proposed plan, no certificate is renewable unless the holder gives evidence of professional progress. If, therefore, a teacher absents himself from the institute or refuses to carry out the instructions of the county superintendent with reference to professional study or declines to obey any just regulations the superintendent may refuse absolutely to renew his certificate. By the proposed plan he is even required to do so, and may not only compel such an offender to take an examination, but may refuse him permission to teach altogether. What further power could the superintendent rightly desire?

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The Experience of Other States with Uniform Examinations

The most convincing argument in favor of the adoption of the plan of certification proposed by the commission is perhaps the invariably successful experience of other states with the uniform system. This experience amounts practically to a demonstration that the plan would operate successfully in Illinois. Fifteen states already require that all examination questions be prepared and all examination papers be graded either by the superintendent of public instruction or by a state board. Inquiry has been made of the superintendents of these states in regard to how this system has

worked. Without a single exception they have asserted its superiority over the county system. The following are extracts from some of the letters received:

Minnesota. — "Prior to 1899 the examination questions in this state were uniform. They were prepared by a committee of county superintendents and generally used throughout the state, but each county superintendent had his own standard of marking and was the sole judge of the fitness of candidates for certificates. Since then the system has been in vogue under which the State Superintendent's office prepares the questions, designates the time when the examinations must be held and examines the manuscript submitted by teachers. There is no difference of opinion among educators in Minnesota as to the great advantages of the present system over the old one. It has resulted in raising the standard of requirements for teachers, has given the state a much better qualified force than it had before. Many of our county superintendents, being elected by small majorities, were, under the old system, subjected to severe pressure to issue certificates to those not qualified, and too often they yielded to this pressure, which, in many counties, resulted in having a majority of teachers of very inferior grade. The State Superintendent's office, of course, is so far removed from local pressure that it is not in any way affected by it. The county superintendents are very glad to be relieved of the responsibility of passing upon the academic applications of applicants for certificates. I do not know of one who is in favor of repealing the present law and returning to the old system. I believe that some system of state uniformity and of examinations by a state board is desirable for every commonwealth in the union." — J. W. Olsen, *Superintendent of Public Instruction.*

New York. — "Up to 1887 we had no uniform basis for teachers' certificates in this state. Local commissioners or superintendents licensed whomsoever they saw fit, and it must be admitted that they saw fit to license a great many who were not deserving. The thing was much influenced by politics and often teachers' certificates were given in consideration of political support. In 1887 we established a uniform system of teachers' examinations, which has been perfected from time to time until now. It is as thoroughly established in the educational policy of the state as anything can be. It has always commanded confidence and wide acceptation. It has advanced the average qualifications of teachers very materially, and, as it has limited the number holding teachers' certificates, it has operated to lessen competition for positions and thereby to advance wages." — A. S. Draper, *Commissioner of Education.*

Alabama. — "Previous to 1899 the several counties in this state conducted their own examinations through a county board of education. Nearly as many standards obtained as we have counties. In some counties but little care appeared to be exercised at times in the work of conducting the so-called examinations. Nine years ago the legislature of this state enacted a law requiring teachers, who receive any of the general school fund, to hold a certificate granted by a state board of examiners. * * * This law has proved one of the most popular and beneficial of all the legislative enactments touching schools during the last quarter of a century. The standard of teachers has been gradually raised, a uniformity exists throughout the state, the work of teaching is being recognized as a real profession, the increased efficiency of the public school system is everywhere apparent, inefficient teachers in the olden time have entered upon other means of obtaining a livelihood, and there is a general uplift and awakening among our people in all matters educational." — Harry C. Gunnell, *Superintendent of Education.*

Nebraska. — "The uniform system of examination has been in operation in Nebraska for nearly three years. We find the system working with reasonable satisfaction. There is a marked improvement in the ability of the teachers of the state already manifest. You will readily perceive by a study of the rules governing the examination that our system is absolutely impartial and impersonal. Candidates taking the examination are placed solely on their merit. The markers have no way of knowing whose papers they are working upon. I can see nothing in the way of such a system being carried on successfully in Illinois. Mail and express facilities are even better in Illinois than in Nebraska. We experience no difficulty and practically no delay in the transmission of answer papers, examination reports and questions. Your state would experience even less inconvenience along these lines than Nebraska." — J. L. McBrien, *Superintendent.*

South Dakota. — "Prior to 1903 all examination questions were made out by the state department for all grades of certificates. The manuscript was marked by the state department for life diplomas and state certificates. First grade manuscript was marked by the county superintendent and reviewed by the state superintendent. In 1903 a change was made, requiring the state department to mark manuscripts for first and second grade certificates and 1907 a further change was made requiring the state department to mark all manuscripts, giving the county superintendent authority on his own examination to issue temporary certificates valid no longer than till the time of the next regular

examination. For the welfare of schools and the encouragement of teachers to do thorough preparation this system is excellent. It removes the marking of manuscripts to disinterested parties and avoids the local, political and social pressure sometimes brought to bear under the systems where the manuscript is marked by the county superintendent. It is the fairest system that can be devised to the school children." — H. A. Ustrud, *Superintendent, South Dakota.*

North Dakota. — "Our present examination law is reasonably satisfactory, so far as it applies to county superintendents. The questions are prepared under the direction of the state superintendent and he appoints the persons who read and mark the examination papers written by the applicants. This obviates, to a great extent, favoritism and the bringing of pressure to bear upon the examiner by parties interested. It makes one standard for the entire state, which is something desirable." — W. L. Stockwell, *Superintendent.*

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County Superintendents and the State System

An inquiry concerning the state system of examining teachers as compared with the county system was also sent to county superintendents in different states. The replies have been invariably favorable to the state system. The following are extracts from a few letters received:

"No county system of granting certificates can do justice to the teachers certified. Personal interests will creep in. The system now in use in New York weeds out the poor scholar, but not always the poor teacher. However, with a state board grading the answer papers and a competent board of inspectors it is possible to have teachers of ability both as to education and as to ability to instruct. This we are beginning to have in New York state." — Pratt E. Marshall, *Com. First Chautauqua District, Sherman, N. Y.*

"Responding to your circular of July 9th, I would say first, that in general I prefer the state uniform system to any of the various county systems for the examination and certification of teachers. This conclusion has been reached after personal experience with the systems in vogue in Kansas, North Dakota, Pennsylvania, and West Virginia, and after a careful study of the matter, as chairman of the committee on education in the House of Delegates, which passed our present uniform law. In my judgment,

the state system is preferable, first, because of its advantages to the teachers. By it the teacher has a standing throughout the state and the way is open before him for a broader view of educational interests. The consequent wider exchange of teachers and school ideas is a healthful stimulation to better work. Second, the state system is preferable because it prevents the unwise lowering of standards that always occurs in more or fewer instances under the county system. This system also takes the examinations and granting of certificates further out of the reach of political or other local influences." — M. P. Shawkey, *County Superintendent and Editor West Virginia Educator, Charleston, W. Va.*

"The present system of having the questions made out and the papers corrected by the state committee is entirely satisfactory. The uniformity thus brought about has raised the standard of the teaching profession and stimulated effort throughout the whole educational system. We would not willingly go back to the old way." — Margaret E. Brown, *County Superintendent, Grand Island, Nebraska.*

"As county superintendent of schools of this county I have worked under the system of examinations by this office and am now working under the new plan of examinations by the state. Results prove conclusively that the present system gets better results in the school room." — W. F. Lorin, *County Superintendent, Mandan, North Dakota.*

"There is hardly a teacher in the state who would like to revert to the old system of examination by questions prepared and graded by the county superintendent. This system has culled out the incompetent teachers, thus causing a scarcity of teachers throughout the state, hence an increase of wages and better teachers. Certificates granted under this system are valid throughout the state, hence doing away with the necessity of teachers taking the examination in different counties. Salaries have increased from a minimum of $28.00 to $40.00 per first grade certificates, and other grades in proportion. Taken as a whole this system is building up the schools of West Virginia rapidly and is a step far in advance of the old system of county examination." — Willis F. Evans, *County Supt., Berkeley Co., Martinsburg, W. Va.*

CHAPTER XXIV

APPOINTMENT, TENURE, PAY, AND PENSIONS

THE first article states clearly the need of an efficiency basis in granting increased salaries to teachers, and is followed by the Indiana minimum-wage law. The third attempts to lay down an acceptable basis for pensioning teachers in public schools.

I. CAN THE PRESENT EFFICIENCY OF THE SCHOOLS BE MAINTAINED?

[Cotton, Fassett A., in the *24th Bien. Rept. Supt. Publ. Instr. Indiana,* 1908, pp. 73–81.]

(1) *The Great School Problem is First and Last the Problem of Maintaining Efficiency*

In the present agitation for better things in education there are a few fundamental propositions that teachers, citizens and legislators need to keep in mind if anything is to be accomplished. The first of these and the one that overshadows and conditions all the rest is that we have come to a stage in educational affairs in which the question of efficiency is involved. It is not a commercial question at all. It is not merely a question of securing more pay for teachers. That is a secondary proposition. Primarily it is a question whether we can any longer under the present conditions secure and maintain efficiency in our schools. The worth and progress of any calling depends upon efficiency. Its rank and dignity are determined by the competency of its men and women. The professional plane of any calling depends finally upon the quality of its own members. . . .

Teaching is not a profession in Indiana. Almost anybody can still try to teach school. There is practically no professional test and the scholarship requirements are very low. Neither public opinion nor law has set up any barrier to the sacred precincts of

this calling. If a young man hasn't made up his mind what he wants to do in the world, he teaches school. If he fails at something else, he teaches school. If he is out of a position, he teaches school. If he wants to prepare for medicine, or law, or the ministry, he teaches school. From one cause or another a large percentage of our teachers drift into the calling. It is not to be denied that many of these classes do temporarily fair work and that some of them become permanently good teachers, but the calling cannot afford to take such risks, to say nothing of how much the schools have suffered in furnishing them raw materials to practice on. Despite all this, it ought to be said that thousands of competent men and women have deliberately chosen the calling and have prepared themselves to be teachers, and are doing efficient work; but the existing conditions make their work difficult, and even call their efficiency in question, so that the public is in danger of losing their services sooner or later.

There is an element in the teacher's calling that places it at a disadvantage when compared in the score of efficiency with other professions. In law and medicine and in the ministry the people sit in direct judgment and sooner or later put incompetence into its proper rank. In teaching it has been and is possible for one reason or another, through one influence or another, for incompetents to entrench themselves so securely that the children suffer for years before they are dislodged. This is made possible by the fact that the schools are still in the hands of politicians and that there are no qualifications, educational, intellectual, moral or otherwise, for members of school boards. However, no greater tribute could be paid to our people than to say that public opinion has done much to overcome this defect in our system. Paradoxical as it may seem, in the light of what has just been said, one of the worst defects in our system is to be found in the short average of the life of the teacher. This is particularly true in the district schools, where twenty-five or thirty per cent of the teachers every year are new. Having tried teaching without any forethought or definite purpose, many move on as aimlessly to try something else, or having taken the work without preparation, many fail. But the cause of education and the children suffer.

(2) *Efficiency in School Work demands Competent Men and Women*

So we have come to a time when something definite should be established in the teacher's work. There is a problem of teaching, or there is not. If there is such a problem every teacher who takes up the work should have studied it. Teaching should be put upon

a professional plane. Certain, definite requirements should be fulfilled before anyone is permitted to teach school. That is, a standard of efficiency should be established and maintained. There should be distinct tests of personality, scholarship, and professional ability. A date should be set, far enough in the future to be just, at which time the requirements should go into effect. The general assembly can help the cause of education and materially hasten the day of larger efficiency by putting the dignity of the law back of these provisions. This is the first step to be taken. Provide for efficient work by eliminating the unprepared and the incompetent from the ranks of the profession.

(3) *Competent Men and Women command Good Salaries*

But at the same time the state sets up new standards of efficiency for teachers it must hold out larger inducements in the way of salaries. The compensation for teaching has always been inadequate; and while it is true that real teaching cannot be paid for in dollars and cents, we have come to a time when the public must more nearly recognize its worth. The laborer is worthy of his hire, and the teacher is no exception to the rule. Teachers have hitherto seemingly been afraid that the public would think that they were teaching for money, and the kind public has saved them from this humiliating reputation. With the demands made upon their purse in keeping awake and alive it has been almost impossible for men and women who have no other source of income to remain in the calling. Somehow the public has gone on demanding that teachers appear as well as other people, that they travel and keep up with the times, that they buy books and pictures and magazines, and at the same time the public has not concerned itself about the funds with which all this is to be done. It would probably be a revelation to many good people to know that the average teacher must stop to consider whether he can afford to spend five dollars for books which he really needs in his business. . . .

It is possible that the public would consider it a great joke to talk about teachers living as well as other people. But why is not this the proper basis? Teaching is difficult work; it takes skill and brains and vitality. Why should it not bring as much as writing briefs, or dispensing medicine, or selling dry goods? Why, indeed! Simply because teachers have not demanded it. The remarkable thing about it all is that we have gone on all these years with such miserable pittances and have accepted them like so much charity. Teaching has, as Dr. Van Dyke said, been

the poorest paid and the best rewarded of all callings, but we have come to a time when more pay will not affect the reward. Let us say again that the question has come to be one of maintaining efficiency in our schools. . . .

In addition to frequent changes, and consequently decreasing efficiency among teachers, the scarcity of men teachers may be mentioned as a great defect in our schools, growing out of our poor remuneration. This may be regarded as a national calamity. There has been no incentive for men to prepare for this calling, and they have left the field. And now it is difficult to keep the places filled with competent women. Professor Münsterberg says: "There was never before a nation that gave the education of the young into the hands of the lowest bidder." In this statement he strikes the strongest reason for the absence of men in the calling. The efficiency of our schools is already in danger, for brains and energy are paid for in other callings and many competent women will no longer teach school.

(4) *Good Salaries require Larger Funds than are at Present provided for in Indiana*

Although Indiana is able under present conditions to pay much better salaries than she is paying now, she can never pay what teachers deserve till larger provision for funds is made. There are several ways to do this. The state tax could be increased to where it was some years ago, when a mistaken notion of economy reduced it. The local levy could be increased in many communities without any hardship.

We suggest that every taxpayer in the state make an estimate of just how much of his tax goes to education and how much goes to other purposes. Then, that he raise the question whether more given to education would not shortly reduce his taxes in other directions. We cannot discuss here in detail the ways in which the funds may be increased, but it must be borne in mind that increased efficiency, increased salaries, and increased funds must come together in the solution of this problem.

(5) *To increase Salaries without raising the Standard of Efficiency would Commercialize the Calling*

Another principle ought to be kept in mind in considering this whole question, and that is that this is not a fight for higher salaries on the part of the teachers. It is a struggle to maintain the present efficiency of the schools and a demand that the calling

be put upon a plane that will make larger efficiency possible. To this end teachers want conditions established which will make merit the sole measure of tenure and pay. At the same time that the pay is increased it ought to be made impossible for unprepared, incompetent teachers to profit by the increase. Otherwise the calling will be commercialized and cheapened. Competent teachers are not begging, they are simply asking for their own. This point cannot be made too strong. While good teaching cannot be paid for in dollars and cents, poor teaching is paid infinitely too much. Anybody who knows anything at all about schools knows that there are scores of teachers who earn less than nothing. These should be taken off the pay rolls and it ought to be made impossible for them ever to get back on. Any new provisions which would make it possible for them to continue and draw larger pay would put teaching on a lower plane than it now is. And so every teacher who has the right view is insisting that a new standard of qualifications and increased pay must come together. More pay is not what we want, but larger efficiency and more pay. Two years ago when it was proposed to raise salaries for certain grades of efficiency in teaching it was found that teachers who knew they could not profit by the provision were opposed to it. The same thing will happen again, and legislators should not be deceived by such opposition.

(6) *To raise the Standard of Efficiency without increasing Salaries would make it impossible to secure Competent Men and Women*

Finally, to impose a new standard of efficiency without increasing salaries is useless. That kind of a scheme cannot deceive teachers any longer. They have finally realized that they can't live on high ideals. With eggs at 25 cents and butter at 40 cents, this has come to be a simple bread and butter problem. Prosperity is hard on the salaried man or woman. And so raising the standard of qualifications without increasing wages would simply make it impossible to fill the places at all. We have probably said enough to show that it would be unwise to raise the standard and increase the salaries without providing means for paying the salaries. Our law makers will not make this mistake. In this campaign for better things teachers have had the sympathy of the people, the promises of candidates and politicians, and the earnest support of the newspapers. It rests wholly with the legislators at this juncture whether our portion shall consist of sympathy.

Partly in response to the foregoing paper the Indiana legislature enacted a minimum wage law, in which an attempt was made to adjust wages in part to experience, certificate held, and training. This we reproduce as a type of one of the best of the state laws on the subject of minimum wages for teachers.

II. The Indiana Minimum Wage Law

[Approved March 2, 1907.]

Sec. 1. **Minimum wages.** That the daily wages of teachers for teaching in the public schools of the state shall not be less, in the case of beginning teachers, than an amount determined by multiplying two and one-half cents by the general average given such teacher in his highest grade of license at the time of contracting. For teachers having had a successful experience for one school year of not less than six months, the daily wages shall not be less than an amount determined by multiplying three cents by the general average given such teacher on his highest grade of license at the time of contracting. For teachers having had a successful experience for three or more school years of not less than six months each, the daily wages shall be not less than an amount determined by multiplying three and one-half cents by the general average given such teacher on his highest grade of license at the time of contracting. All teachers now exempt or hereafter exempt from examination shall be paid, as daily wages for teaching in the public schools, not less than an amount determined by multiplying three and one-half cents by the general average of scholarship and success given such teachers: Provided, That the grade of scholarship accounted in each case be that given at the teacher's last examination, and that the grade of success accounted be that of the teacher's term last preceding the date contracting: And, provided further, That two per cent. shall be added to the teacher's general average of scholarship and success for attending the county institute the full number of days, and that said two per cent shall be added to the average scholarship of beginning teachers. (R. S. 1908, § 6599 as amended, 1911, p. 131.)

Sec. 2. **Qualifications.** The qualifications required for teaching for the different classes shall be as follows:

(a.) A teacher without experience: Shall be a graduate of a high school or its equivalent. Shall have had not less than one term of twelve weeks' work in a school maintaining a professional

course for the training of teachers. Shall have not less than a twelve months' license.

(b.) A teacher with one school year's experience: Shall be a graduate of a high school or its equivalent. Shall have had not less than two terms or twenty-four weeks' work in a school maintaining a professional course for the training of teachers or the equivalent of such work. Shall have not less than a two years' license. Shall have a success grade.

(c.) A teacher with three or more years' successful experience: Shall be a graduate of a high school or its equivalent. Shall be a graduate from a school maintaining a professional course for the training of teachers, or its equivalent. Shall have a three years' license or its equivalent. Shall have a success grade.

Provided, That for teachers already in the service, successful experience in teaching shall be accepted as an equivalent for high school and professional training, as required by all the above classifications. (R. S. 1908, § 6600.)

Sec. 3. **Payment at less rate — Penalty.** If any school officer shall pay to any teacher for school services at a rate less than that fixed by this act, he shall be fined in any amount not exceeding $100.00 and shall be liable in a civil action for wages to such teacher at the rate provided in this act, which may be recovered by such teacher, together with an attorney's fee of $25.00, in any court of justice of competent jurisdiction. (R. S. 1908, § 6601.)

Sec. 4. **State board of education — Duties.** It shall be the duty of the state board of education, from time to time, to provide regulations which shall define the words "high school" and "equivalent" in this act, it being the intent hereof that only such schools be recognized as high schools as maintain a standard of scholarship and efficiency and course of study to the approval of the state board of education, and that the word "equivalent" as used in this act shall mean such a course of study or training or the ability to pass such an examination as in the judgment of the state board of education would as fully qualify the applicant for teaching as the qualification of high school or normal school work and the license respectively named above requires. (R. S. 1908, § 6602.)

III. A Feasible Pension System for Public School Teachers

[Pritchett, Henry S., in the *7th An. Rept. Carnegie Foundation*, 1912, pp. 70–77.]

While the work of the Carnegie Foundation has to do primarily with pensions to the teachers in a limited number of colleges and

universities, it goes without saying that a keen interest is taken in the problem of pensions for public school teachers. The reports of the Foundation have continually aimed to emphasize the interdependence of the college and the public school system. Our educational problem is one problem, and if there is a justification for pensions for teachers in the colleges, there is a still stronger justification for pensions for teachers in public schools, where salaries are lower, work is harder, and the conditions of service are in every way more difficult. One of the great weaknesses of our public school system to-day lies in the fact that only a small number of men can be induced to undertake permanent careers in it. Before we can hope for the best results in education, we must make a career for an ambitious man possible in the public schools. To do this, dignity and security must be given to the teacher's calling, and probably no one step could be taken which will be more influential in inducing able men and women to adopt the profession of the teacher in the public schools than to attach to that vocation the security which a pension brings.

This problem is now before the legislatures of many stages. It is going to be an increasingly insistent question. In the presence of such suggested legislation, the thoughtful legislator will wish to ask at least four questions: (1) Upon what grounds are pensions for public school teachers justified? (2) Assuming that pensions ought to be paid, who ought to pay them? (3) What form of pension system would it be fair to adopt, having regard both to the individual teacher and to the state? (4) What will such a pension system cost the individual teacher and what will it cost the state?

When these four questions have been answered, a feasible pension system for the public school teachers of a state will have been described.

While it is not possible to answer these finally for a particular state without a thoroughgoing examination of the salaries, ages, and lengths of service of the teachers who compose the system, it is nevertheless possible to give a general answer, sufficient to guide the inquirer in forming a judgment. The literature of the subject is extensive, both in English and in German, and the experience already gained has demonstrated certain fundamental principles which may be considered as settled. I venture, therefore, to outline the following answers to these four questions in the light of the experience of existing pension systems in this country, in England, and on the continent of Europe.

1. Pensions are justified upon practically two grounds: first, those of a larger social justice; secondly, as a necessary condition to an efficient public school system.

The first of these reasons applies in marked measure to pensions like that of the teacher. Society, as at present organized, desires to get the best service it can out of the various vocations and callings into which men are naturally distributed. In some of these callings great prizes are to be won, and these serve as incentives for high performance. In other callings, like that of the teacher, there are no large prizes in the way of pecuniary reward (it would be a wise thing in society to create such). Society desires to obtain of the teacher a service quite out of proportion to the pay which he receives. Intelligence, devotion, high character — all are necessary, and the state seeks to obtain them at an average salary of $500 a year. It is clear that, if the state is to receive such service, some protection for old age and disability must be had, if the best men and women are to be induced to enter upon such a calling as a life work.

Secondly, from the standpoint of efficiency in organization, whether a governmental one or a business one, there must be some means for retiring, decently and justly, worn-out servants. In the past we have in most cases turned out men and women no longer able to teach, but the conscience of our time does not permit such action. Out-worn teachers remain to the direct injury of the pupils themselves. As a matter of efficiency, some humane method of retirement for public school teachers is necessary.

These two reasons for the establishment of pensions for the teachers in state schools are sound and unanswerable.

2. Three plans for securing protection against disability and the weakness of old age are proposed: a pension system borne wholly by the employer, a pension system borne wholly by the employee, a pension system conducted jointly by both employer and employee and supported by their joint contributions.

While there are some variations of opinion among those who have studied the question, the overwhelming weight of opinion is in favor of the third plan.

A pension system resting upon the contributions of the employer alone has many objections, not the least being the lack of coöperation and of the incentive to thrift which are likely to be produced by it.

A system of pensions depending on the contributions of employees alone amounts practically to a compulsory system of saving. In order that the benefits may be large enough to form a basis for retirement, the contribution must be so large as to be practically prohibitory.

The third plan seems to me justified not only on the ground of equity, but upon the ground of self-interest, whether the employer

be a corporation or a government. All salaries such as teachers' are relatively low, and while the question of a just salary must not be confused with the equity involved in a relief plan, it nevertheless remains true that the general equities of service demand that a part of the pension of a servant be borne by the employer. A state still owes to the faithful teacher something after it has paid his salary. He has been required to regulate his life in large measure for the common interest. In addition the employer, whether a corporation or a state, secures a higher efficiency by a well-ordered pension system. Finally, only by such joint action can be secured the right coöperation between employer and employee. On all three grounds — the ground of general equity, of increased efficiency, of a better social coöperation — it is desirable that a system of pensions rest upon the joint contribution of the employer and the employee.

I assume that on the whole it is fair for the teacher to bear half the cost of the annuity and the state the other half.

3. The form of pension system at once just and feasible would involve the consideration of many details, but at least these general principles may be assumed as proven:

(*a*) The pension obligation should be compulsory upon every teacher who enters the service.

(*b*) The amount of the contribution should be determined by thorough actuarial investigation, but each teacher shall form a unit, and the annuity which he is to receive shall be based upon his own payment plus that granted by the state. Such an arrangement is just and fair, and is capable of actuarial computation. Every individual, whether he survives, resigns, or dies, thus furnishes the basis for the action taken.

(*c*) Contributions levied upon teachers who resign or are dismissed must be returned with a moderate interest — say three per cent — and similar returns must be made to the widows or heirs of those who die.

(*d*) A central administration for the pensions of all public school teachers should be provided, constituted of a small commission serving without salary, with a paid executive who should at the same time be a competent actuary.

4. The cost of such a pension system to the state or to the individual can be approximated only after some assumption is made as to the amount of the pension to be paid in the individual case. In order to arrive at some estimate, I assume that the teacher is to receive a pension of fifty per cent of his pay at the time of retirement, one-half of the pension to be provided by his own payments, the other half by appropriations from the state treasury.

Thus, a teacher in the grammar school who receives $500 a year, which is somewhat higher than the average, would be paid at the assumed age of retirement — say, sixty years — a pension of $250, of which his own contributions must furnish an amount sufficient to supply an annuity of $125, and the state the remaining annuity of $125. The teacher who enters at twenty-five would need to pay, in order to provide his annuity at sixty, about three and a half per cent of his salary — in other words, something less than $20 a year, which, compounded at four per cent, would take care of his half of the annuity. Should the teacher die or resign in the interval, the state would repay his accumulations with interest at three per cent, a process which ought to furnish a small profit, but which, on the other hand, gives to the teacher's family a protection which is most important and most needed. On the whole, therefore, for a pension system which aims simply to retire individuals at sixty, the teacher must expect to pay a proportion of his salary amounting to from three and a half to six per cent, according to the age at which he enters.

Assuming a school system comparable with that of, let us say, the state of Kansas, or the state of Virginia, or the state of Iowa, with approximately 12,000 school teachers, how much would such a system cost the state? And what rules should be inaugurated at the start which may be at once consistent with the security of those who contribute and with the dignity and honor of the state? for when once the state accepts the contributions of these teachers and enters into a contractual relation with them, it cannot insert into the provisions of its pension system a clause reserving the right to amend the conditions at will. Assuming a constituency of public school teachers of a state to number 12,000, and that they receive an average salary of $500, what would the system ultimately cost the state, if it paid one-half of the pensions which might accrue under such a simple pension scheme as I have assumed, namely, a pension system which retired teachers at sixty years of age upon half pay, the teacher providing one-half of the pension?

This question is the hardest of all to answer. The wisest actuary can make only a guess. The chief uncertainty arises out of the fact that comparatively few teachers remain permanently in service to the age of sixty. At present the great bulk of teachers are women. Many of these marry. Others, for one reason or another, drop out of teaching. The number who take their calling seriously and who will persist to the end of their active life is, of course, increasing, but any estimate as to the number who will ultimately earn pensions under such a plan is subject to large error.

In Virginia, for example, the men teachers in the calling at the age of sixty form about 5 per cent of those who started; if there had been no retirements, they would be about 60 per cent. Similarly for women teachers, those at the age of sixty form about 16 per cent of those who started, while had all persisted to the age of sixty except those removed by death, the percentage would be 67. As the women teachers far outnumber the men, it may be said roughly that the fluctuations lie between 15 per cent at the present time and a possible 65 per cent. The statistics for Illinois are quite near these. Perhaps the assumption of 40 per cent, the arithmetical mean of these two limits, would be as close an approximation to the facts a generation hence as could be made. Such a school system of 12,000 teachers at an average pay of $500 and paying pensions on the basis assumed would therefore develop a charge upon the state treasury of $600,000 a year, which is 10 per cent of the salary cost, and which probably represents approximately the maximum load which a state like Kansas or Iowa would in the course of a generation assume in adopting such a system. This load would, of course, be greatly reduced by advancing the age of retirement from sixty to sixty-five.

The form of pension system here assumed is the simplest possible. It provides a pension in but one case, namely, that of the individual who has come to the age of sixty. It does nothing for the teacher who has become disabled at an earlier period, or for the families of those who died. Such a provision would, however, take care of that main load which affects both the question of justice and the question of efficiency, and would go far to solve the wants which a pension system can meet. It will be wise, in my judgment, for such systems to be formed upon very simple lines, and not to attempt to meet every individual case, but to provide justly for the one or two great sources of need which appeal both to our sense of justice and to our ideals of efficiency.

There is one modification of this simple scheme which would add little to the expense, but which would cover practically all that a pension system for public school teachers should at this time attempt to do, that is, the payment of a proportionate pension for a given length of service in case of disability. For example, a state might well afford to pay, after fifteen years of service and of contribution, an agreed-upon proportionate pension to the teacher who had broken down in its service.

These general principles will, I believe, be found to cover the essentials of a state-wide pension system for public school teachers. Such pensions undoubtedly are to be paid. Both our sense of justice and our ideals of efficiency demand it. The danger is that

they will be begun under unwise and imperfect conceptions, which ultimately will defeat, or at least retard, as was the case in New South Wales, the whole movement. The one word which needs to be spoken to any association of teachers and to any body of legislators who are to deal with the question is, to take no step without sound actuarial advice, and to make use of the rich experience of the past which is now available.

As pension systems become numerous, it will be desirable to arrange some equitable plan for the reciprocal exchange of contributions and liabilities, so that a teacher, transferring from a school under one pension system to a school under another system, will not lose the accumulated right to a provision in old age.

In the minds of many there will still remain the question whether, in the light of what the Federal Congress has done in the matter of civil war pensions, any state government can be trusted to control such a relief system, free of politics. The Commission on Economy and Efficiency appointed by President Taft recommended as a plan of retirement for civil employees of the Federal government a system of annuities supported from the contributions of employees alone, based upon the age of entrance into the service; the maximum annuity to be $600. The government is to provide for the accrued liabilities in excess of eight per cent of the employee's salary, and to guarantee four per cent upon the contributions of the employees. The system will apply to government employees in the District of Columbia only. The plan, which has been worked out in most complete actuarial form by Mr. Herbert D. Brown of the Department of Commerce and Labor, contemplates the return to an employee leaving the service prior to the age of retirement of all contributions with interest at four per cent compounded annually, and the return to the legal representatives of an employee dying either before or after retirement of the amount in hand not yet paid out to him in annuities, with interest. The retiring age is seventy.

This plan is really not a relief plan, but a system of compulsory saving. The Commission was evidently strongly influenced in its conclusions by the fear that any pension system administered by Congress which involved a payment by the government of even part of a retiring allowance would be subject to political abuse. No one familiar with the history of civil war pensions can doubt the possibility of such a misuse of public money. The civil war pension history constitutes our greatest political scandal. To Congress and to the country it has been a source of untold demoralization, and the presidents of the United States share with Congress the responsibility for this legislation. Except Grover

Cleveland, no President of the United States has shown courage in the face of a pension bill.

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Will a state legislature and a state governor administer justly a matter in which the general government and the chief executives have been so weak?

In answer to this it may be said that a pension system in which the employee contributes does not present the same opportunity for political exploitation that the civil war pensions have presented. The man who believes in the future of his country and in democratic progress will be slow to admit that either Congress or the state governments will be found permanently incapable of carrying out so simple an obligation. If our democracy cannot learn from such an experience as that of the civil war pensions, it is helpless to solve the problems that confront it on every hand. In any event, the argument that our government is not honest enough to conduct a justly planned relief system for its employees is a weak reason for inaugurating an unsatisfactory system.

CHAPTER XXV

IMPROVING TEACHERS IN SERVICE

MANY plans have been tried, in different states and cities, to improve teachers in service. The most important of these classify themselves under the headings of teachers' institutes, and reading circles for professional improvement. Much has been written on each of these plans, and we reproduce here only a few selected articles. The first suggests a substitute for the old type of teachers' institute, and appended to it is the 1911 revision of the California law relating to institutes, which was enacted as a result of this article. Of the state reading circles, we reproduce the plan of organization of the Indiana Teachers' Reading Circle. This organization has rendered a very conspicuous educational service during the quarter century of its existence.

I. A SUBSTITUTE FOR THE TEACHERS' INSTITUTE

[By Reynolds, J. E., County Superintendent of Ventura County, California. Reprinted from *The Sierra Educational News.*]

Two hundred and forty thousand dollars a year is subtracted from the money provided for the education of the children of the state and spent for teachers' institutes. In many counties two-thirds the cost of the institute can be saved to the children; and this, not only without impairing its usefulness, but, on the contrary, actually strengthening some of its weak places and making it more effective.

NOT ENOUGH THINKING

Among the weaknesses of the institute is the fact that the great majority of teachers are, from its opening to its closing moment, in a state of passivity towards all that goes on. In the school the true teacher acts as far as possible on the principle of learning by

doing, for he knows that mental alertness depends mainly on the self-activity of the learner. His constant aim is, not to do for the learner, but to keep the learner doing for himself. In the institute on the other hand, young teachers sit, hour after hour, and session after session, passive as pitchers waiting to be filled, as if the best, the only, way to learn is by listening to the expression of the product of other people's thinking.

Again, the institute program is frequently so overcrowded that towards the close of the sessions it is a weariness to the flesh to sit politely still, and pretend to be listening. And even where the program is not over-crowded it is necessarily so extensive, occupying from three to five days, and covers such a variety of topics, that adequate reflection on the ideas presented, and consequent assimilation, is quite out of the question. A too generous supply of rich food clogs the mental digestion.

LINCOLN'S PERFECT ENGLISH

Abraham Lincoln said on one occasion that he did not profess to be an educated man, and that it was a source of constant surprise to him that learned men, professors in universities, should hold his speeches as models of English, and use them to exemplify rhetorical principles. He said, however, that from his youth up he had had the habit of turning over and over in his mind any new thought that was presented to him until he understood it thoroughly, in all its length and breadth and thickness. And having thus mastered it, he sought the words to give it clear and precise expression, never satisfied until he had clothed it in language that seemed exactly fitting.

Here was perfect assimilation of new ideas. Has pedagogy ever discovered a better method of education? In most educational institutions, from the elementary school up, there is proportionately too much listening, as well as too much reading, and too little use of the thinking powers of the individual; and this weakness shows at its feeblest in the teachers' institute. The net result of the institute is often a vague impression of good things heard on many different subjects, not a clear, definite, thorough grasp of new ideas on any subject.

MUST EXCHANGE IDEAS

Mainly because of the inadequacy of the institute for the interchange of ideas on school problems, associations like schoolmasters' clubs are growing in number all over the state. In the meetings of

these associations a topic presented by a leader is discussed by the comparatively few members with a freedom that in an institute is impossible. Each feels the interest that comes with the opportunity to express his opinions, and each also has the stimulus which comes from the knowledge that he himself will be called upon at some future time to present a subject for the discussion of the members.

Another weakness of the institute is that it is too much a teachers' institute. In it teachers listen to more or less able speakers, who present greater or fewer new ideas, who stir their interest more or less, and at times arouse their enthusiasm. And then they "resolute," and frequently go to the trouble and expense of printing their resolutions and broadcasting them over the land. Last year the Ventura County Institute sent a copy of one resolution to each trustee in the county. And what good came of it? If any result followed, good, bad or indifferent, it has not thus far become apparent. What is needed is that school trustees and patrons should attend the institutes; they should hear the able speakers, they also should get the new ideas, their interest should be stirred, and their enthusiasm aroused. Any reform shown to be advisable could then be effected, for the ideas, the interest and the enthusiasm would be in the minds of the people who possess the power to make the reform.

What is the use of arousing enthusiasm in a teachers' institute over raising teachers' salaries, or over a dozen other subjects often discussed? A teacher may leave the institute in a blaze for the improving of school grounds, or the decoration of school-rooms; but she comes to trustees who are not at all interested, who don't see where the money is to come from, and whose lack of sympathy acts on her generous emotion like a wet blanket. Sometimes, of course, persistence overcomes apathy; but more often the fire is quenched, and nothing is done.

INSTITUTES EXPENSIVE

Finally, the present institute is extremely expensive. A three days' session in Ventura County, which has only one hundred thirty teachers, costs $3,000, $1,000 a day. A teacher's salary for the session averages $20, and the other expenses approximate $400 more. Los Angeles, city and county, with four thousand teachers, pays in salaries for the institute week, $80,000. That is to say, the children of these counties are, for the sake of the institutes, deprived of the schooling which these sums of money would pay for. It may be worth it; but if a cheaper method, which may possibly

produce as good results educationally, can be found, it ought to be given a chance to demonstrate its usefulness.

The plan of local evening institutes is believed to be such a method. It is desired that the legislature shall, without abrogating the present law governing institutes, amend that law so as to permit a school superintendent who may so elect, to hold, instead of the annual institute, local evening institutes at different points in the territory under his jurisdiction, at various times throughout the school year.

PLAN IN BRIEF

To put the matter, for the sake of clearness, in concrete form, Ventura County could be divided into five or six sections in such a way that the teachers, trustees and people of each section could come together at a convenient central point in each section for a local evening institute. The superintendent would then advertise the first series of evening institutes throughout the county, say, for the moonlight week of October. On Monday evening, he, with a good lecturer, would meet the teachers and people of section number one. The first hour of the meeting might be devoted to short papers or talks by two or three teachers and trustees, followed by an open discussion; and the program would conclude with a first-class educational lecture. On Tuesday the superintendent and lecturer would repair to the central point of section number two and hold a similar institute in the evening. On Wednesday and Thursday and Friday the program would be repeated at the central points of sections three, four and five. Thus, during the week, an evening institute would be held in the county at each of five points accessible to teachers, trustees and people of the surrounding school districts.

ONE SERIES EACH MONTH

This would be all for the month of October; but in the moonlight week of November the superintendent would get another good lecturer for another series of five evening institutes, omitting one of the five places visited before, in order to hold an institute at the central point of the sixth section. Again in December there would be another week's series, and others in January and February and March and April. The institute would thus be spread over seven months of the school year, instead of being crowded into one week of from three to five consecutive days.

One advantage over the present plan would be that the teachers would be more active in the work of the institute. There being

fewer teachers, each would have opportunity to take part in the discussions; and many of them in each section of the county would be called upon, at some time during the year, to take the leading part in a discussion by preparing a short paper or talk upon some problem of school work with which they were familiar. Putting more of themselves into the institute, they would unquestionably get more out of it.

TIME TO THINK IT OVER

Again, there would be ample time for the assimilation of new ideas. After one evening of institute a whole month would elapse before the next session, plenty of time for reflection, for the interaction of old and new ideas upon each other, for, as it were, the mixing of the old and new into a solution, and the crystallization of an entirely new thought product. In other words, the mental food, thoroughly digested, would go to upbuild the intellectual system of the consumer.

PUBLIC GENERALLY BENEFITED

Furthermore, trustees and patrons would be in attendance at the institutes, would take part in the discussions, and would view school matters from what would be to most of them an entirely new and helpful standpoint. More or less complete sympathy and hearty co-operation of teachers, trustees and parents might be hoped for as a result of the frequent interchange of ideas in such local institutes. Moreover, the people of every community in the county would be given opportunity to enjoy a series of first-class educational lectures, as good as can be heard by residents of Los Angeles or San Francisco. Many of the great minds of the land are concerned with the means to make life on the farm better worth living; and as one of the means to this end the evening institute may well be of immense value to the community.

WHERE THE SAVING COMES IN

Finally, in the matter of cost the local evening institute has an enormous advantage over the present plan. An excellent lecturer can be employed for from $100 to $125 for five evenings. Other expenses may bring the total cost to $150 a week, $900 for six series throughout the year. This would effect a saving of $2100 a year from the cost of the present institute in Ventura County; or, as the teachers would probably earn their salaries by teaching during the week which they now spend at the institute, the school funds

would be drawn upon for $900 more than at present. But by the investment of this $900 there would be saved to the children of the county $3000 worth of schooling every year.

FOUR EXCELLENT REASONS

The next legislature, then, ought to pass a bill embodying an amendment to the present law, so as to permit the holding of local evening institutes in lieu of the present annual institute. It ought to do it, first, because the local institute will be, at least, as helpful to the teacher as the present institute; second, because it will be better for trustees and school patrons, ninety per cent of whom are now precluded from attendance; third, because its lectures will be an educational force of the highest value for the people of every community; and fourth, because it will save for the schooling of the children two-thirds of the large amount which the present institute costs.

II. Teachers' Institutes

[*Political Code of California,* Sec. 1560.]

Sec. 1560. The superintendent of every county in which there are twenty or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing seventy or more teachers, must hold at least one teachers' institute in each year; and every teacher employed in the schools of the county, city and county, or city school district holding such institute must attend the same and participate in its proceedings; and shall be paid his regular salary for the time covered by such attendance; *provided,* that the superintendents of two or more adjoining counties, or city and county, or city school districts may unite for the purpose of a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or of a designated part of the county, city and county, or city school district institute, under the same conditions and compensations as are herein provided for the county, city and county, or city school district institute; . . . *provided,* that in lieu of the institute of from three to five consecutive days, as provided in this section and in section 1562 of the Political Code, the superintendent of any county in which there are twenty or more school districts, or of any city and county, or of any city school district governed by a city board of education and employing seventy or more teachers,

may hold during the school year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of neighboring schools, three or more series of local day or evening institutes which shall provide, at each of the chosen places, not less than ten hours of institute work; *provided*, that the superintendent may combine the annual institute plan with the local institute plan, by holding, during one or more days, not to exceed three, an annual meeting of all the teachers in the county, or city and county, or city school district, and also holding during the school year one or more series of evening institutes at local points in the county, or city and county, or city school district, the whole to provide not less than ten hours of institute work; *provided*, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year.

III. History of the Indiana Teachers' Reading Circle

[From the official booklet of the organization.]

At a meeting of the Indiana Teachers' Association, held at Indianapolis, beginning December 26, 1883, the following resolutions, introduced by W. A. Bell, were adopted:

Resolved, I. That the Association proceed at once to inaugurate an organization among the teachers of Indiana, for reading and study, to be known as the "Indiana Teachers' Reading Circle."

II. That this Circle be under the care and direction of the Indiana State Teachers' Association.

III. That this association proceed to choose a Board of Directors, to which shall be intrusted the selection of a course of professional and literary reading, the issuing of certificates of progress and the granting of diplomas as evidence of its completion.

IV. The Board of Directors of the Indiana Teachers' Reading Circle shall consist of eight members, selected by the Association from its own members, two of whom shall serve for one year, two for two years, two for three years, and two for four years, and hereafter two members shall be elected annually to serve for four years. The Board shall elect its officers, arrange its meetings, and record and publish its proceedings.

In accordance with the above resolutions the President, Supt. John S. Irwin, of Fort Wayne, appointed a committee consisting

of W. A. Bell, H. S. Tarbell, and W. W. Grant, to select the Board of Directors.

This committee, before the adjournment of the Association, announced the following persons to constitute the Board of Directors:

Geo. P. Brown,	J. J. Mills,
Hubert M. Skinner,	Emma Mont. McRae,
Mattie Curl Dennis,	Richard G. Boone,
John C. McPherson,	Harvey Hill.

The first meeting of the Board of Directors was held at the State Building in Indianapolis on February 9, 1884. At this meeting a very full discussion of ways and means to be employed resulted in the appointment of a committee on plans of organization. A month later this committee reported the following plan:

THE PLAN OF ORGANIZATION

"1. Any teacher or other person in the State of Indiana may become a member of this circle by forwarding his name to the manager of his county, together with a pledge to faithfully pursue the prescribed course of study, and paying a fee of twenty-five cents for the present year, and for future years, such fees as may be decided upon at the beginning of the year.

2. In case there is no manager within a county, any teacher may become a member of the State Circle and receive all the benefits of the same by applying to the manager of an adjoining county. The members of the State Circle resident in any town, township or neighborhood, may form a local circle, which shall meet once every week or fortnight, as they may elect, for the purpose of reading and discussion.

3. Each local Circle shall elect a secretary, whose name shall be reported to the County Manager, and who shall act as the medium of communication between the local circle and the county manager; but this provision shall not preclude the possibility of individuals who are not members of a local circle reporting directly to the county manager.

4. The general direction of the work in each county shall be placed in charge of the County Superintendent or other person to be appointed by the State Board of Directors, who shall be called the County Manager.

5. It shall be the duty of the county manager to transmit to the teachers of his county all circulars, books, examination questions, etc., issued by the Board of Directors; to solicit and transmit to the Board of Directors names of members and membership

fees, and all examination papers, etc., that shall be called for, and to discharge all duties that may devolve upon him as the medium of communication between the local circle and the Board of Directors.

6. The Board of Directors shall establish and maintain at the capital of the State a bureau, under the charge of the Secretary of the Board, to whom all communications from county managers shall be addressed. Said bureau shall, for the present, be located at the office of the State Superintendent of Public Instruction.

7. It shall be the duty of the State Board of Directors to arrange and prescribe two or more courses of readings, along which the reading of the local circle and individual members shall be pursued; but the amount of reading to be done within any given time and other details of the work not herein provided for shall be arranged by the county manager in conjunction with the secretaries of the local circles of the county.

8. It shall be the duty of the State Board of Directors to make provisions for all requisite examinations of the issuance of certificates and diplomas."

The State Board of Education has recognized the importance of the Teachers' Reading Circle to the profession by offering credits on examination for county and State licenses. At the October meeting, 1885, the following order was passed by the Board:

"Ordered, that the Reading Circle examinations in the Science of Teaching (Science of Education or Theory) be accepted by the County Superintendents in place of the county examinations on that subject, and that the average of their four successive yearly examinations in the Science of Teaching be accepted by the State Board of Education in the examinations for State Certificates."

Again, at the May meeting, 1896, the following order was unanimously adopted:

"Ordered, that the Reading Circle examination in the General Culture book be accepted by the County Superintendents in place of the county examinations in literature, and that the average of their four successive yearly examinations in the General Culture books be accepted by the State Board of Education in the examinations for State Certificates."

The growth of interest has been most gratifying. It is not an unusual thing for a new venture to meet with success in the beginning, and then gradually lose its hold and pass into neglect, leaving little but a remembered failure. But the Indiana Teachers' Reading Circle has steadily grown, each year fully justifying its existence by the improvement in the work done in the schools as a direct result of the fostering of higher educational standards, and of encouraging a finer professional spirit.

The membership for 1887–1888 was, in round numbers, seven thousand, every county in the State, and in thirty counties almost every district, being represented in this membership. At present the membership is about fourteen thousand.

In 1887 a proposal to organize a Children's Reading Circle division was approved, and since then this has also rendered conspicuous service.

PRESENT PLAN OF ORGANIZATION

In December, 1909, the following constitution, rules and regulations for the government of the Board of Directors were authorized by the State Teachers' Association:

1. The Indiana State Teachers' Association hereby constitutes the Board of Directors for the Indiana Teachers' and Young People's Reading Circle, and adopts the following rules and regulations for its government.

2. The aforesaid Board of Directors shall be composed of seven members, including the State Superintendent of Public Instruction, who shall be *ex officio* a member of the Board. Of the remaining six members, three shall be County Superintendents, one a City Superintendent, and the others shall be chosen from the teaching profession at large.

3. No member of a publishing firm, or agent of such firm, shall be eligible to membership on this Board. Should any member of this Board become a member of a publishing firm, or agent of such firm, within the term for which he was appointed to this Board, his membership herein shall immediately cease, and the State Teachers' Association shall, at its next meeting, fill the vacancy thus arising from the unexpired portion of said term.

4. The members of this Board, except the State Superintendent, whose membership shall be concurrent with his incumbency in the State Superintendency, shall be appointed by the State Teachers' Association in annual convention for a term of three years, or until their successors are appointed. No one shall be eligible to succeed himself as a member of the Board.

5. Should any member of the Board of Directors leave the teaching profession or cease to fill such a school position as that held at the time of election, his membership shall immediately cease. At each annual meeting of the State Teachers' Association the Association shall fill all vacancies for the unexpired portions of such terms.

6. The officers of this Board shall be a President, a Vice-President and a Treasurer, who shall be chosen annually from the membership of the Board, and a Secretary, who shall not be a member of this Board, and shall be chosen annually.

On the last day of each annual meeting of the State Teachers' Association the members of the Reading Circle Board of Directors shall meet and organize for the ensuing year, during which not more than three meetings shall be held.

7. The members of this Board shall receive an annual salary of $50 and railroad fare to and from the three regular meetings. The Secretary shall receive a salary of $150 per year.

8. It shall be the duty of this Board to plan a course of reading, from year to year, to be pursued by the public school teachers of Indiana.

It shall be the duty of this Board to plan a course of reading, from year to year, to be pursued by the pupils in the public schools of Indiana, and to make such rules and regulations as to examinations, certificates and diplomas, in the Young People's Reading Circle, as the Board may deem desirable and practicable.

It shall be the further duty of this Board to select the books to be read in such Teachers' and Young People's courses; to make the most favorable terms with the publishers as to prices of such books to members of the two Reading Circles, and to provide a plan for a convenient and inexpensive distribution of the books to the teachers and pupils.

9. At each annual meeting of the State Teachers' Association this Board shall make a report of the receipts and disbursements for the year just closing, and of such other items as in its judgment shall be of interest to the Association, or as the Association from time to time requests. At each annual meeting of the Association an Auditing Committee shall be appointed to audit the books and accounts of the Reading Circle Board. At each meeting of the Association the report of this Auditing Committee shall be ap-

pended to the report of the Board of Directors and shall be a part of the report of that Board to the State Teachers' Association.

10. This constitution, rules and regulations may be amended, revised, or annulled by a majority vote at any annual meeting of the Indiana State Teachers' Association.

DIVISION VII

THE OVERSIGHT OF THE STATE

Chapters XXVI–XXIX

CHAPTER XXVI

THE STATE AND THE CHILD

The State: Its Parental Responsibility and Police Power. — Any deep-seeing account of the nineteenth century development of those social practices and institutions which have given a distinctive character to the culture of western nations, would not fail to dwell upon that succession of events that have resulted in the continued and conspicuous aggression by the state into that territory, assigned by the old common law, and recognized by the established political philosophies, for the exercise of the seeming natural liberties of the individual. Such extending state oversight of those numerous activities, which from their intent and influence are to be broadly classified as educational, appears to have two principal motives. The state first assumes to become the Great Parent, to protect and to conserve children for themselves. It assumes secondly to become the Great Power, to restrain, to compel and to provide for the promotion of the public welfare, which means for its own sake. The one is centered in the constant of human sympathy; the other is determined by the iron law of social self-preservation.

The materials assembled in this and the succeeding chapter are representative of the contemporary attitude of the American states for devising those conditions whereby children may possess at least the minimum of opportunity to receive that care, education and training which are inherent in the responsibilities of parenthood; and whereby children may enjoy those natural rights to life, liberty and leisure too easily and too frequently denied them without the energetic use of the police power, the armor of organized society.

Compulsory Education and Child Labor

[From Giddings, Franklin H., *The Social and Legal Aspect of Compulsory Education and Child Labor* (Proceedings of the National Education Association, 1905, pp. 111–113).]

The educational problem and the industrial problem of child labor cannot be separated. This is true, whether every parent is permitted to deal as he will with his child, or whether he is compelled, as in most American commonwealths, to withhold his child from gainful employment and to keep him in a school, or otherwise to provide systematic instruction for him, during certain weeks of each year. Child labor itself is a kind of education which, according to its nature and extent, may be consistent or altogether inconsistent with other kinds. The labor that American boys and girls had to perform on the farm a generation and more ago was often an invaluable discipline of mind and character, fitting them for self-reliant and useful careers quite as effectively as their meager school training did. Such labor did not necessarily unfit the child for the enjoyment of the highest educational advantages. Exhausting confinement in stores, sweat-shops and factories is child labor of an altogether different sort. It is antagonistic to the child's mental and physical development and it cannot be combined with any sound educational policy.

Compulsory education by the state and the prohibition of child labor are policies undoubtedly socialistic in character. They assert the supremacy of the state's interest in the child as against any opposing interest of the parent. The American people have never been afraid of socialism to this extent, and within the last ten years it has greatly extended both compulsory education and the prohibition of the labor of children between ten and fourteen years of age. It would not be inaccurate to say that public sentiment at the present time in New England, in the Northwest, and in most of the North Central states demands an increasingly strict enforcement of child-labor legislation, and that a similar sentiment is rapidly growing in the South.

This policy encounters, however, important obstacles, which call for intelligent examination. Not much difficulty has been encountered in the courts. The constitutionality of both compulsory school attendance and of the restriction of child employment in the interest of health, intelligence, morals, and citizenship is everywhere upheld. The real difficulties are of quite another character.

It is not easy to maintain the administrative machinery to enforce child-labor restriction and the truancy laws. Experience has shown that compulsory school attendance is itself the best enforcement of the laws against child-labor; but this is difficult where school accommodations are inadequate, and where population is either dense and heterogeneous, as in the tenement-house quarters of our great cities, or sparse and indifferent to educational interests, as in the mountain regions of the South.

A very special difficulty and one that puts all our theories and our devices to the severest test, is that which is presented by destitute families. The practical question, which has to be answered over and over, is: Is it right to take a strong overgrown boy thirteen years of age, from money-earning employment, and force him to attend school, when by so doing, we compel a widowed mother to apply to private or public agencies for help, thereby making her, and perhaps the boy also, a pauper?

The only answer to this question, consistent with the policy of compulsory education itself, is the proposition that in such cases adequate public assistance should be given, not as charity, but as a right. To shrink from this course because it is socialistic is thoroughly illogical and inconsistent. Compulsory education itself, as I have said, is socialism pure and simple. State interference with the parent's disposition of the child's energy and time is a further extension of socialism. These policies have never been anything but socialistic. They never by any possibility can be anything less than socialistic. Let us, therefore, not balk at a further provision by the state which happens to be necessary to make them effective. Let us make our socialistic scheme complete and consistent, or confess that it is altogether wrong and abandon it.

A final and deeper difficulty exists, which has received curiously little attention. We hear a great deal lately about "race suicide." Large families are no longer seen, especially in the so-called middle class. It is strange that no one has pointed out the connection between the increased demand upon parents to maintain their children in school, foregoing the earnings that children might add to the family income, and the diminishing size of the average family. The connection, however, is undoubtedly a real one, and the practical inference is obvious. If the restriction of child-labor is desirable, if compulsory education is desirable, and if at the same time larger families also are desirable, the state must make up to the family at least some part of the income that children could earn if they were permitted freely to enter upon industrial employments. The question, therefore, that we shall have to face and to answer is this: Shall the state pay parents for

keeping their children in school between the ages of ten and fourteen? This would be a policy of socialism, undoubtedly. I do not pretend to say whether the American people will or will not adopt it. I only say that, as a matter of social causation, they will be compelled to adopt it, if they try to maintain both large families and compulsory education, while prohibiting child labor in department stores and factories. It is not my intention to advocate the measure, or to argue against it. My purpose is served in calling your attention to the logic of facts.

In the development of the policy of state compulsion for guaranteeing educational privileges to children, Massachusetts has been a pioneer. Her first compulsory attendance law, if certain colonial and pre-revolutionary measures regarding schools be excepted, was passed in 1852. It required, however, nearly a half a century of nurturing a favorable public opinion and perfecting the necessary administrative machinery before this first ineffective statute was brought to a form capable of successful enforcement. The requirements of Massachusetts have served as a guide for a great majority of the American states, all of which now (1915), excepting Alabama, Florida, Georgia, and Mississippi, have statutes regulating and enforcing the school attendance of children.

MASSACHUSETTS

[Revised Laws, Chapter 44, as Amended]

SCHOOL ATTENDANCE

Attendance Compulsory between 7 and 14 Years of Age and under 16 in Certain Cases

Section 1. Every child between 7 and 14 years of age and every child under 16 years of age who cannot read at sight and write legibly simple sentences in the English language shall attend some public day school in the city or town in which he resides during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance, and schools as are provided for in section 3 of chapter 42 and sections 3, 5, and 6 of this chapter. The superintendent of schools, or if there is no

superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section, shall cause him to attend school as herein required, and if he fails for 5 day sessions or 10 half-day sessions within any period of six months while under such control to cause such child, whose physical or mental condition is not such as to render his attendance at school harmful or impracticable, so to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than $20: *Provided, however*, That no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defense under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition or the suitable instruction of the child. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than $50.

When Private Schools may be Approved

Sec. 2. For the purposes of the preceding section school committees shall approve a private school only when the instruction in all the studies required by law is in the English language, and when they are satisfied that such instruction equals in thoroughness and efficiency and in the progress made therein the instruction in the public schools in the same city or town; but they shall not refuse to approve a private school on account of the religious teaching therein.

[Revised Laws, Chapter 46]

TRUANTS AND TRUANT SCHOOLS

County Truant Schools[1]

Section 1. The county commissioners of each county, except the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes, and Nantucket, shall maintain either separately or jointly with the commissioners of other counties as hereinafter provided, in a suitable place, not at or near a penal institution, a truant school for the instruction and training of children committed thereto as habitual truants, absentees, or school offenders. The county commissioners of two or more counties may, at the expense of said counties, establish and maintain a union truant school which shall be organized and controlled by the chairmen of the county commissioners of said counties. The chairmen of the respective boards of county commissioners of the counties of Norfolk, Bristol, and Plymouth, having the management of the Norfolk, Bristol, and Plymouth union truant school, shall each be paid the sum of $100 annually by said counties, respectively. The county commissioners of the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes, and Nantucket shall assign a truant school established by law as the place for the instruction and training of children committed within their respective counties as habitual truants, absentees, or school offenders, and shall pay for their support in said school such reasonable sum as the county commissioners having control of said school may determine. For the purposes of this chapter the parental school of the city of Boston shall be deemed the county truant school of the county of Suffolk, and commitments from the towns of Revere and Winthrop and the city of Chelsea shall be to the truant school for the county of Middlesex. The city or town from which an habitual truant, absentee, or school offender is committed to a county truant school shall pay to the county within which it is located $1 a week toward his support; but the towns of Revere and Winthrop and the city of Chelsea shall pay to the county of Middlesex, for the support of each child committed to the truant school of said county, $2.50 a week, and such additional sums for each child as shall cover the actual cost of maintenance.

[1] Name changed to County Training Schools.

Visitation by State Board of Education and by the State Board of Charity

Sec. 2. County truant schools shall be subject to visitation by the board of education and by the State board of charity, and said boards shall report thereon annually to the general court.

Habitual Truants

Sec. 3. A child between 7 and 14 years of age who willfully and habitually absents himself from school contrary to the provisions of section 1 of chapter 44 shall be deemed to be an habitual truant, and unless placed on probation as provided in section 7 of this chapter, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, and, if a girl, to the State industrial school for girls; but if the girl is under 12 years of age she shall be committed to the custody of the State board of charity, if they so request, for not more than two years.

Habitual Absentees

Sec. 4. A child between 7 and 16 years of age who may be found wandering about in the streets or public places of any city or town, having no lawful occupation, habitually not attending school, and growing up in idleness and ignorance, shall be deemed to be an habitual absentee, and, unless placed on probation as provided in section 7, may, upon complaint by a truant officer or any other person and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman School for Boys, and, if a girl, to the State industrial school for girls; but if the girl be under 12 years of age she shall be committed to the custody of the State board of charity, if they so request, for not more than two years.

Habitual School Offenders

Sec. 5. A child under 14 years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, shall be deemed to be an habitual school offender, and, unless placed on probation as provided in section 7, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman School for Boys, and, if a girl, to the State industrial school

for girls; but if the girl be under 12 years of age she shall be committed to the custody of the State board of charity, if they so request, for not more than two years.

Support of Inmates of Truant Schools

Sec. 6. The court or magistrate by whom a child has been committed to a county truant school may make an order relative to the payment by his parents to the county of the cost of his support while in said school, and may from time to time revise and alter such order or make a new order as the circumstances of the parents may justify.

Truants on Probation

Sec. 7. A court or magistrate by whom a child has been convicted of an offense under the provisions of this chapter may place such a child on probation under the oversight of a truant officer of the city or town in which the child resides, or of a probation officer of said court, for such period and upon such conditions as said court or magistrate may deem best; and if, within such period, the child violates the conditions of his probation, such truant officer or probation officer may, without warrant or other process, take the child before the court, and the court may thereupon sentence him or may make any other lawful disposition of the case.

Permits to be at Liberty; also Releases

Sec. 8. County commissioners, if they think it will be for the best interest of any child who has been committed to a county truant school under their control, after notice and an opportunity to be heard has been given to the superintendent of schools or, if there is no superintendent, to the school committee of the city or town from which such child was committed to said school, may permit him to be at liberty upon such conditions as said commissioners may deem best; or, with the approval of the court which imposed the sentence, they may discharge him from said school; and upon such parole or discharge they shall make an entry upon their records of the name of such child, the date of parole or discharge and the reason therefor; and a copy of such record shall be transmitted to the court or magistrate by whom such child was committed and to the school committee of the city or town from which he was committed. If such child, in the opinion of said commissioners, violates the conditions of his parole at any time

previous to the expiration of the term for which he was committed to said school, such parole may be revoked. If a superintendent of schools or a school committee furnishes evidence satisfactory to said commissioners of the violation by a child of the conditions of his parole, said commissioners shall revoke such parole, and may thereupon issue an order directed to the truant or police officers of any city or town to arrest such child wherever found and return him to said school. Such officer shall arrest such child and return him to said school, where he shall be held, subject to the provisions of this chapter, for the residue of the term of the original sentence. The expense of such arrest and return, so far as approved by the commissioners, shall be paid by the county or counties maintaining said school. A child who has been committed to a county truant school, whether he be confined at the county truant school or on parole as provided in this section, shall be discharged from the custody and care of such school upon his becoming 16 years of age. Releases from the parental school of the city of Boston shall be governed by the provisions of chapter 514 of the acts of the year 1896, and shall be made by the trustees for children, who shall have and exercise the powers given by said chapter to the institutions commissioner of said city.

Temporary Release from Truant School

Sec. 9. If a near relation of a child who is confined on a sentence as an habitual truant, habitual absentee, or habitual school offender dies or is seriously ill, any member of the board of trustees or county commissioners having charge of the institution may order such child to be released for a specified time, either with or without the custody of the superintendent or other officer, and may revoke, extend, or otherwise modify such order. The expenses incurred in serving such order shall be approved and paid in the same manner as other expenses of the institution in which the child is confined.

Disposition of Vicious Inmates

Sec. 10. An inmate of a county truant school or of the parental school of the city of Boston who persistently violates the reasonable regulations thereof, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves, so as to render himself an unfit subject for retention therein, may, upon complaint by the officer in control of said school and conviction thereof, if under 15 years of age, be committed to the Lyman School for Boys; if over 15 years of age, to the Massachusetts Reformatory. If a girl who is

committed to the custody of the State board of charity under section 3, 4, or 5 of this chapter proves unmanageable in a private family, she may be committed by the State board of charity to the State industrial school for girls.

Summonses, Warrants, Jurisdiction

Sec. 11. Police, district, and municipal courts and trial justices shall have jurisdiction of offenses arising under the provisions of section 1 of chapter 44 and under the provisions of this chapter. A summons or warrant issued by such court or justice may be served, at the discretion of the court or magistrate, by a truant officer or by any officer qualified to serve criminal process. Upon complaint against a child for any such offense the parents, guardian, or custodian of the child shall be notified as is required by section 17 of chapter 86.[1] A child against whom complaint as a habitual absentee is brought by any other person than a truant officer shall not be committed until notice and an opportunity to be heard have been given to the State board of charity.

Truant Officers

Sec. 12. The school committee of every city and town shall appoint and fix the compensation of one or more truant officers, who may be either male or female as the committee may decide, and shall make regulations for their government. Truant officers shall not receive fees for their services. The school committee of two or more cities or towns may employ the same truant officers.

Duties of Truant Officers

Sec. 13. Truant officers shall inquire into all cases arising under the provisions of sections 1 and 6 of chapter 44 and sections 3, 4, and 5 of this chapter, and may make complaints and serve legal processes issued under the provisions of this chapter. They shall have the oversight of children placed on probation under the provisions of section 7. A truant officer may apprehend and take to school, without a warrant, any truant or absentee found wandering about in the streets or public places thereof.

[1] Of the Revised Laws. See also chapter 314, section 4, acts of 1906.

Commitment of Habitual Truants, Habitual Absentees, and Habitual School Offenders

Chapter 389, acts of 1906, provides as follows:

Section 1. Habitual truants, habitual absentees, and habitual school offenders shall be committed to truant schools, however named, for the instruction and training of children, and now provided for by the several counties, and not to any other institution or place.

Sec. 2. This act shall not apply to the Plummer Farm School of Reform for Boys, at Winter Island, in Salem.

EMPLOYMENT OF WOMEN AND CHILDREN

[Chapter 514, Acts of 1909, as amended]

General Provisions

Sec. 17. The following words and phrases, as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings:

"Child" or "minor" shall mean a person under 18 years of age, except that in regard to the compulsory attendance of illiterate minors at day or evening schools, the word "minor" shall mean a person under the age of 21 years.

"Factory" shall mean any premises where steam, water, or other mechanical power is used in aid of any manufacturing process there carried on.

"Mercantile establishments" shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.

"Public building" shall mean any building or premises used as a public or private institution, church, theater, public hall, place of public entertainment, resort, or assemblage.

"Schoolhouse" shall mean any building or premises in which public or private instruction is afforded to not less than 10 pupils at one time.

"Workshop" shall mean any premises, room, or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing, or adapting for sale any article or part of an article, and to which or over

which premises, room, or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workship within this definition.

When Children under 14 and Children over 14 and under 16 may not be Employed

Sec. 56. No child under the age of 14 years, and no child who is over 14 and under 16 years of age who does not have a certificate as required by the four following sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language, shall be employed in any factory, workshop, or mercantile establishment. The ability to read at sight and to write legibly simple sentences in the English language shall be construed as meaning such ability to read and write as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives. No child under the age of 14 years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before 6 o'clock in the morning or after 7 o'clock in the evening. But minors to whom the provisions of this section apply shall be permitted to work on Saturdays between the hours of 6 in the morning and 7 in the evening in mercantile establishments.

Provisions Relating to Employment of Children under 16 and Minors

Sec. 57. No child under 16 years of age shall be employed in a factory, workshop, or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate and keeps two complete lists of all such minors employed therein, one on file, and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools, or, if there is no superintendent, to the school committee, a complete list of the names of all minors employed therein who cannot read at sight and write legibly simple sentences in the English language.

Age and Schooling Certificates of Minors

Sec. 58. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer, or employee. The printed form of such age and schooling certificate shall be provided by the chief of the district police. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language, as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives, nor until such person has received a certificate signed by a physician, as provided in chapter 502 of the act of the year 1906 and acts passed in amendment thereof, or by a physician appointed by the school committee, stating that said minor has been examined by him and in his opinion is in sufficiently sound health and physically able to perform the work which the minor intends to do: *Provided, however,* That the age and schooling certificate may be approved and issued without a physician's certificate if there shall be on file in connection with the public schools a written record in regard to the child's physical condition made within one year and the person authorized to approve said age and schooling certificate after having examined such record shall certify that in his opinion said minor is in sufficiently sound health and physically able to perform the work which the minor intends to do. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

Sec. 59. An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose. The certificate of the superintendent of the Lyman School for Boys or of the State industrial school for girls given to a child who has been an inmate of such school, shall be sufficient evidence as to the age and ability to

read at sight and to write legibly simple sentences in the English language.

Employment Ticket and Age and Schooling Certificate

Sec. 60. The age and schooling certificate of a minor under 16 years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed and shall be filled out, signed, and held or surrendered as indicated in the following forms:

Employment Ticket, St. 1909, c. , § .

When [name of minor] , height [feet and inches] , complexion [fair or dark] , hair [color] , presents an age and schooling certificate duly signed, I intend to employ [him or her].

(Signature of intending employer or agent.)

(Town or city and date.)

Age and Schooling Certificate, St. 1909, c. , § .

This certifies that I am the [father, mother, guardian, or custodian] of [name of minor] , and that [he or she] was born at [name of city or town] , in the county of [name of county, if known] , and State [or country] of , on the [day and year of birth] , and is now [number of years and months] old.

(Signature of father, mother, guardian, or custodian.)

(City or town and date.)

Then personally appeared before me the above named [name of person signing] , and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby approve the foregoing certificate of [name of minor] , height [feet and inches] , complexion [fair or dark] , hair [color] , having no sufficient reason to doubt that [he or she] is of the age therein certified. I hereby certify and am satisfied that [he or she] can read at sight and can write legibly simple sentences in the English language. I further certify that

in my opinion (or in the opinion of the physician by whom said minor has been examined in accordance with section 58 of the above chapter) he (or she) is in sufficiently sound health and physically able to perform the work which he (or she) intends to do.

This certificate belongs to [name of minor in whose behalf it is drawn] , and is to be surrendered to [him or her] whenever [he or she] leaves the service of the corporation or employer holding the same; but if not claimed by said minor within 30 days after such time, it shall be returned to the superintendent of schools, or, if there is no superintendent of schools, to the school committee.

(Signature of person authorized to approve and sign with official character or authority.)

(City or town and date.)

In the case of a minor who cannot read at sight and write legibly simple sentences in the English language the certificate shall continue as follows, after the word "language":

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is indorsed weekly by a teacher thereof.

Penalty for Certifying to False Statement

Whoever, being authorized to sign the foregoing certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not more than $50.

Illegal Employment of Minors and Duties of Truant Officers

Sec. 61. Whoever employs a minor under the age of 16 years, and whoever procures or, having under his control a minor under such age, permits such minor to be employed in violation of the provisions of sections 56 and 57 of this act, shall for each offense be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than $20 nor more than $100, or by imprisonment for not more than six months; and

whoever forges, or procures to be forged, or assists in forging a certificate of birth of such minor, and whoever presents or assists in presenting a forged certificate of birth to a school committee or to the person authorized by law to receive certificates, for the purpose of fraudulently obtaining the school certificate mentioned in section 60, shall be punished by a fine of not less than $100 nor more than $500, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

Sec. 62. Truant officers may visit the factories, workshops, and mercantile establishments in their several cities and towns and ascertain whether any minors are employed therein contrary to the provisions of this act, and shall report any cases of such illegal employment to the school committee and to the chief of the district police or to the inspector of factories and public buildings. Inspectors of factories and public buildings shall visit all factories, workshops, and mercantile establishments within their respective districts and ascertain whether any minors are employed therein contrary to the provisions of this act, and shall enter complaint against whoever is found to have violated any of said provisions. An inspector of factories and public buildings who knowingly and willfully violates any provision of this section may be punished by a fine of not more than $100.

Sec. 63. A truant officer may apprehend and take to school, without a warrant, any minor under the age of 16 years who is employed in any factory, workshop, or mercantile establishment in violation of the provisions of sections 56 and 57 of this act, and such truant officer shall forthwith report to the police, district, or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. A truant officer who knowingly and willfully violates any provision of this section may be punished by a fine of not more than $100 for each offense.

Truant Officers and Inspectors of Factories

Sec. 64. Inspectors of factories and public buildings and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops, or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of

any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than $10 nor more than $100.

Sec. 65. Police, district, and municipal courts and trial justices shall have jurisdiction of offenses arising under the provisions of the four preceding sections. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

Illiterate Minors must Attend Evening Schools

Sec. 66. While a public evening school is maintained in the city or town in which any minor resides who is over 14 years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to his ability to read at sight and write legibly simple sentences in the English language, no person shall employ him, and no parent, guardian, or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but upon presentation by him of a certificate signed by a registered practicing physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing his employment for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding such certificate shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when said record shows unexcused absences from the sessions his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than $100 for each offense to the use of the evening schools of such city or town. A parent, guardian, or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than $20 to the use of the evening schools of such city or town.

Public Exhibition of Children

Sec. 76. No person shall employ, exhibit, or sell, apprentice or give away a child under 15 years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist, or acrobat in a circus, theatrical exhibition, or in any public place, or cause, procure, or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school, or school exhibition, or prevent their taking part in any festival, concert, or musical exhibition upon the special written permission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than $200 or by imprisonment for not more than six months.

Sec. 77. A license shall not be granted for a theatrical exhibition or public show in which children under 15 years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

Licensing of Minors, by School Committees, to Engage in Certain Occupations in Cities

Section 17, chapter 65, Revised Laws. The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of bootblacking by minors and to the sale by minors of any goods, wares, or merchandise the sale of which is permitted by section 15, and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *Provided,* That in the case of persons under the age of 14 years in the cities of the Commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the

provisions of said regulations shall be punished by a fine of not more than $10 for each offense. Any person who, having a minor under his control, knowingly permits him to violate the provisions of this act, and any person who procures or employs a minor to violate the provisions of this act, and any person who either for himself or as agent of any other person or of any corporation knowingly furnishes or sells to any minor any of the articles above referred to with knowledge that said minor intends to sell said articles in violation of the provisions of this act, and after having received written notice from the *school committee* that the minor is unlicensed, shall be punished by a fine of not more than $200 or by imprisonment for not more than six months. Truant and police officers shall enforce the provisions of this chapter.

Employment of Certain Minors in Factories, Workshops, and Mercantile Establishments

Chapter 310, Acts of 1911, provides as follows:

Section 1. No illiterate minor between the age of 16 and 21 years shall be employed in a factory, workshop, mechanical or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town and to the district police and inspectors of factories and public buildings, a certificate showing that such minor is 16 years of age or over. Said certificate shall give the place and date of birth of such minor and his personal description. The printed form of the certificate shall be provided by the chief of the district police and shall be approved by the attorney-general.

Additional Duties of Truant Officers Relative to Care of Indigent and Neglected Children

Chapter 356, Acts of 1904, provides as follows:

Section 1. It shall be the duty of *truant officers in cities* and of the overseers of the poor in towns, as often as may be deemed necessary by them, to make diligent search throughout their respective cities and towns for children under the age of 16 who are suffering want through poverty, privation, or from the neglect of their parents or guardians, or of any other persons having them in charge or from any cause whatsoever.

Sec. 2. Where such children are found without parents or guardians or in charge of such parents or guardians as in the judgment of the officers or overseers aforesaid are unfit to care for children by reason of mental incapacity, dissolute habits, or

poverty, it shall be the duty of the officers and overseers aforesaid to provide for the temporary care of such children until proceedings may be had against them if necessary, according to the provisions of chapter 334 of the acts of the year 1903.

SEC. 3. Reasonable expenses incurred by the officers and overseers aforesaid in furnishing aid as provided by this act shall be paid by the city or town wherein the persons have legal settlements, and, if they are without settlement, by the Commonwealth, after approval by the State board of charity; and notice in writing shall be sent to the place of settlement or, if such persons are unsettled, to the State board of charity as is otherwise provided by law.

CHAPTER XXVII

THE EDUCATION OF SPECIAL CLASSES

Legalized Humanitarianism. — In no respect has modern humanitarianism left a more characteristic impress than in the matter of the legalized treatment of children who belong to the so-called special classes — defectives, dependents, delinquents. The contemporary attitude assumed toward these classes by the general social mind, by the law, and by the school is reflected in the three selections that follow:

I. Defectives

The Classification of Exceptional Children

[From Van Sickle, J. H., *et al.*, *Provision for Exceptional Children in Public Schools,* Bulletin No. 14, 1911, U. S. Bureau of Education, pp. 19–23.]

We assume that this bulletin is addressed to those who are interested primarily in questions relating to the proper treatment of exceptional children rather than in a scientific classification based upon a recognition of the causes of exceptional character in children. The most significant distinction is that between children who can not properly be educated in the public schools and children who can be adequately instructed and trained in day classes. We shall therefore make our primary classification the distinction between institution cases and public-school cases.

It is difficult to state any one basis for the establishment of this classification. There are at least three grounds for this distinction. In the first place, there are children idiotic and imbecile, children morally degenerate and delinquent, children severely crippled or suffering from a disease like epilepsy, whom any superintendent would recognize as being unfit for association with normal children in the grade. Many of these children are the subjects of custodial treatment only, even inside the institution in which they may be segregated.

A second basis for this distinction has reference to the curability or relative permanence of the child's condition. Certain children who are approximately normal in appearance and in mental character are yet hopelessly degenerate. For their own safety and for the safety of the children with whom they may be associated in the public schools, it is desirable that they should be removed from the schools and placed in institutions. Some of them are educable and can perhaps be trained in the public day schools, but it would be undesirable for them to be thus treated. The most dangerous types of moral imbeciles come in this class. These children some competent authority connected with the public-school system should be quick to recognize. Experts should be called in and the school authorities ought to lend their every assistance to obtain legal sanction for the segregation of these children in special institutions, in order that they may not pass their lives among normal children, with the danger of moral contagion and the possibility of propagating their kind.

The third basis for the distinction between an institutional and a public-school case is amenability to treatment in the public schools and institutions. It stands to reason that an institution which controls every hour of a child's existence — sleeping or awake — ought to be able to provide more effective training for difficult cases than can the public schools in day classes. In distinguishing between those cases which should be sent to institutions and those which should not we must take into consideration whether the child requires the kind of work which the public school cannot supply in day classes.

A most confusing circumstance arises from the fact that the various types of exceptional children shade off into normal types of children. From children who are slightly slow and dull by nature, there is a steady gradation through children that are only touched with feeble-mindedness to children who are classified in institutions as "high-grade imbeciles," "middle-grade imbeciles," "low-grade imbeciles," "superficial, and profound idiots." Ordinary teachers, superintendents, and casual observers will have no difficulty whatever in excluding idiots and low-grade imbeciles from the public schools. Indeed, it is very rare that children below the grade of middle-grade imbeciles are found in the public schools. The border-land cases, high-grade imbeciles, perhaps even middle-grade imbeciles, will be interpreted very diversely by those who are not familiar with these classes of children. Some teachers and superintendents will think that they have in middle-grade imbeciles very good material to work with in the public schools; whereas expert opinion

may advise the removal of such children from public day classes to institutions.

Another circumstance is that many children are what some call *apparently* feeble-minded or imbecile; that is to say, they present all of the features of permanent imbecility excepting that they very rapidly recover or are restored to approximately normal condition under proper physical and mental treatment. Some distinguish these types of children as suffering on the one hand from imbecility and on the other from pseudo-imbecility. We distinguish between them as being permanently feeble-minded or imbecile, and curably retarded in development. Two children may present exactly similar characters and yet one child may, as the result of a year's special training, be restored to the grades and be capable of continuing in the grades and making normal progress; whereas the other child may, after a year's trial, be finally sent to the institution to which he should have been sent without the waste of a year's time.

The expert is more capable of classifying children into these two groups of institutional and public-school cases than is the uninstructed teacher or layman; but there are doubtful cases where even expert opinion is unable to decide. There will, therefore, always be reason for keeping some of these children in special classes, under observation pending a final diagnosis.

We shall now briefly and concisely distinguish between those cases which we regard as institutional and the cases of those whom we regard as susceptible of treatment in special classes. It will be necessary for us to recognize a third group, comprising types of children concerning whose treatment, whether in institutions or in public day classes, there may be diversity of opinion and practice. It must be premised that our treatment is largely experimental and will probably remain so for many years to come. What place institutions for the training of blind, deaf, and other types of exceptional children shall play in the future and especially in those communities which are approaching this problem for the first time, it is impossible for us to say. Modern criticism of institutional life has led to many reforms in institutional procedure. Much objection that can at present be laid against many institutions for children will undoubtedly be set aside in the future as institutions encourage and develop separation into small groups; for example, separate homes or cottages. There can be no doubt that an institution which need not consider per capita cost can provide children with homes and schools of a character which will conserve the whole life of the child. On the other hand, there is a strong tendency toward the unification of all educational insti-

tutions and there is little doubt but that the public schools will be held responsible by many communities for the educational treatment of types of children who in the past have been committed to special institutions. For some cases, *e.g.*, persistent truants, disciplinary cases, children suffering from ill health, children who are a heavy economic tax upon their families and children whose home life negatives completely the influence of the school, the public schools of the future may be required by an awakened community to provide parental schools, where children will be boarded as well as educated, and where the advantages of home training and discipline will be combined with the special class of instruction.

The grouping which we make, therefore, is to be regarded as a tentative or temporary effort, one which we shall feel under no obligation to defend but which we embody in this bulletin for the purpose of assisting in clarifying the thought of those who are professionally interested in the treatment of exceptional children.

Institutional Cases

(To be dismissed from the oversight and care of the public school authorities.)

1. Morally insane children.
2. Violently insane children.
3. Demented children.
4. All feeble-minded children below the grade of middle-grade imbecile. (Barr's classification.)
5. High-grade moral imbeciles.
6. Severe cases of epilepsy.
7. Cases of contagious and infectious diseases. (Some to be dismissed temporarily; some for prolonged periods.)
8. Children helplessly crippled or suffering from revolting physical deformity.

Children for Special Classes or Special Instruction in the Public Schools

1. Foreign.
2. Late entering.
3. Backward but capable of rapid restoration to normal grade.
4. Dull and feebly gifted.
5. Children requiring vocational training.
6. Children of precocious physical development, especially of precocious sex development.
7. Exceptionally gifted or able children.

8. Children suffering from various physical defects of minor character but interfering with their progress and unfitting them temporarily or permanently for the grades.

9. Speech cases.

10. Social cases; those whose retardation is chiefly due to home conditions calling for the services of a social visitor as well as a special teacher.

Children of Uncertain Classification. Institutional or Special Cases

1. Blind and semi-blind.
2. Deaf and semi-deaf.
3. Delinquents, including persistent truants.
4. High-grade imbeciles. (Barr's classification.)
5. All feeble-minded children of higher grade than high-grade imbeciles.
6. Crippled children.
7. Children suffering from epilepsy in mild degree or from nervous or other diseases rendering them difficult or improper members of ordinary classes.

II. Dependents

[From *Proceedings of the White House Conference (1909) on the Care of Dependent Children,* Senate Document No. 721, Sixtieth Congress, 2d Sess.]

SPECIAL MESSAGE

To the Senate and House of Representatives:

On January 25–26, 1909, there assembled in this city, on my invitation, a conference on the care of dependent children. To this conference there came from nearly every State in the Union men and women actively engaged in the care of dependent children, and they represented all the leading religious bodies.

The subject considered is one of high importance to the well-being of the nation. The Census Bureau reported in 1904 that there were in orphanages and children's homes about 93,000 dependent children. There are probably 50,000 more (the precise number never having been ascertained) in private homes, either on board or in adopted homes provided by the generosity of foster parents. In addition to these there were 25,000 children in institutions for juvenile delinquents.

Each of these children represents either a potential addition to the productive capacity and the enlightened citizenship of the nation, or, if allowed to suffer from neglect, a potential addition to the destructive forces of the community. The ranks of criminals and other enemies of society are recruited in an altogether undue proportion from children bereft of their natural homes and left without sufficient care.

The interests of the nation are involved in the welfare of this army of children no less than in our great material affairs.

Notwithstanding a wide diversity of views and methods represented in the conference, and notwithstanding the varying legislative enactments and policies of the States from which the members came, the conference, at the close of its sessions, unanimously adopted a series of declarations expressing the conclusions which they had reached. These constitute a wise, constructive, and progressive program of child-caring work. If given full effect by the proper agencies, existing methods and practices in almost every community would be profoundly and advantageously modified.

More significant even than the contents of the declarations is the fact that they were adopted without dissenting vote and with every demonstration of hearty approval on the part of all present. They constitute a standard of accepted opinion by which each community should measure the adequacy of its existing methods and to which each community should seek to conform its legislation and its practice.

The keynote of the conference was expressed in these words:

> Home life is the highest and finest product of civilization. Children should not be deprived of it except for urgent and compelling reasons.

Surely poverty alone should not disrupt the home. Parents of good character suffering from temporary misfortune, and above all deserving mothers fairly well able to work but deprived of the support of the normal breadwinner, should be given such aid as may be necessary to enable them to maintain suitable homes for the rearing of their children. The widowed or deserted mother, if a good woman, willing to work and to do her best, should ordinarily be helped in such fashion as will enable her to bring up her children herself in their natural home. Children from unfit homes, and children who have no homes, who must be cared for by charitable agencies, should, so far as practicable, be cared for in families. * * * *

I further urge that such legislation be enacted as may be neces-

sary in order to bring the laws and practices in regard to the care of dependent children in all federal territory into harmony with the other conclusions reached by the conference.

Legislation for the District of Columbia

Congress took a step in the direction of the conclusions of this conference in 1893, when, on the recommendation of the late Amos G. Warner, then superintendent of charities for the District of Columbia, the Board of Children's Guardians was created, with authority, among other things, to place children in family homes. That board has made commendable progress, and its work should be strengthened and extended.

I recommend legislation for the District of Columbia in accordance with the fifth, sixth, seventh, and eighth sections of the conclusions of the conference, as follows:

1. That the approval of the Board of Charities be required for the incorporation of all child-caring agencies, as well as amendments of the charter of any benevolent corporation which includes child-caring work, and that other than duly incorporated agencies be forbidden to engage in the care of needy children. This legislation is needed in order to insure the fitness and responsibility of those who propose to undertake the care of helpless children. Such laws have long been in satisfactory operation in several of the larger States of the Union.

2. That the Board of Charities, through its duly authorized agents, shall inspect the work of all agencies which care for dependent children, whether by institutional or by home-finding methods, and whether supported by public or private funds. The state has always jealously guarded the interests of children whose parents have been able to leave them property by requiring the appointment of a guardian, under bond, accountable directly to the courts, even though there be a competent surviving parent. Surely the interests of the child who is not only an orphan but penniless ought to be no less sacred than those of the more fortunate orphan who inherits property. If the protection of the Government is necessary in the one case, it is even more necessary in the other. If we are to require that only incorporated institutions shall be allowed to engage in this responsible work, it is necessary to provide for public inspection, lest the state should become the unconscious partner of those who either from ignorance or inefficiency are unsuited to deal with the problem.

3. That the education of children in orphan asylums and other similar institutions in the District of Columbia be under the super-

vision of the board of education, in order that these children may enjoy educational advantages equal to those of the other children. Normal school life comes next to normal home life in the process of securing the fullest development of the child.

4. That all agencies engaged in child-caring work in the District of Columbia be required by law to adopt adequate methods of investigation and make permanent records relative to children under their care, and to exercise faithful personal supervision over their wards until legally adopted or otherwise clearly beyond the need of further supervision; the forms and methods of such investigation, records, and supervision to be prescribed and enforced by the Board of Charities.

I deem such legislation as is herein recommended not only important for the welfare of the children immediately concerned, but important as setting an example of a high standard of child protection by the National Government to the several States of the Union, which should be able to look to the nation for leadership in such matters.

I herewith transmit a copy of the full text of the proceedings.

THEODORE ROOSEVELT.

The White House, Feb. 15, 1909.

HON. THEODORE ROOSEVELT,

President of the United States.

SIR: having been invited by you to participate in a conference on the care of dependent children, held at Washington, D. C., January 25–26, 1909, and having considered at the sessions of such conference the various phases of the subject as stated in the memorandum accompanying your letter of invitation, and such others as have been brought before us by the executive committee, we desire to express the very great satisfaction felt by each member of this conference in the deep interest you have taken in the well-being of dependent children. The proper care of destitute children has indeed an important bearing upon the welfare of the nation. We now know so little about them as not even to know their number, but we know that there are in institutions about 93,000, and that many additional thousands are in foster or boarding homes. As a step, therefore, in the conservation of the productive capacity of the people and the preservation of high standards of citizenship, and also because each of these children is entitled to receive humane treatment, adequate care, and proper education, your action in calling this conference, and your participation in its opening and closing sessions, will have, we believe, a profound

effect upon the well-being of many thousands of children, and upon the nation as a whole.

Concerning the particular objects to which you called attention in the invitation to this conference, and the additional subjects brought before us by the executive committee, our conclusions are as follows:

Home Care

1. Home life is the highest and finest product of civilization. It is the great molding force of mind and of character. Children should not be deprived of it except for urgent and compelling reasons. Children of parents of worthy character, suffering from temporary misfortune and children of reasonably efficient and deserving mothers who are without the support of the normal breadwinner, should, as a rule, be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of the children. This aid should be given by such methods and from such sources as may be determined by the general relief policy of each community, preferably in the form of private charity, rather than of public relief. Except in unusual circumstances, the home should not be broken up for reasons of poverty, but only for considerations of inefficiency or immorality.

Preventive Work

2. The most important and valuable philanthropic work is not the curative, but the preventative; to check dependency by a thorough study of its causes and by effectively remedying or eradicating them should be the constant aim of society. Along these lines we urge upon all friends of children the promotion of effective measures, including legislation, to prevent blindness; to check tuberculosis and other diseases in dwellings and work places, and injuries in hazardous occupations; to secure compensation or insurance so as to provide a family income in case of sickness, accident, death, or invalidism of the breadwinner; to promote child-labor reforms, and, generally, to improve the conditions surrounding child life. To secure these ends we urge efficient cooperation with all other agencies for social betterment.

Home Finding

3. As to the children who for sufficient reasons must be removed from their own homes, or who have no homes, it is desirable that, if normal in mind and body, and not requiring special training,

they should be cared for in families whenever practicable. The carefully selected foster home is for the normal child the best substitute for the natural home. Such homes should be selected by a most careful process of investigation, carried on by skilled agents through personal investigation and with due regard to the religious faith of the child. After children are placed in homes, adequate visitation, with careful consideration of the physical, mental, moral, and spiritual training and development of each child on the part of the responsible home-finding agency is essential.

It is recognized that for many children foster homes without payment for board are not practicable immediately after the children become dependent and that for children requiring temporary care only the free home is not available. For the temporary, or more or less permanent, care of such children different methods are in use, notably the plan of placing them in families, paying for their board and the plan of institutional care. Contact with family life is preferable for these children, as well as for other normal children. It is necessary, however, that a large number of carefully selected boarding homes be found if these children are to be cared for in families. The extent to which such families can be found should be ascertained by careful inquiry and experiment of each locality. Unless and until such homes are found, the use of institutions is necessary.

Cottage System

4. So far as it may be found necessary temporarily or permanently to care for certain classes of children in institutions, these institutions should be conducted on the cottage plan, in order that routine and impersonal care may not unduly suppress individuality and initiative. The cottage unit should not be larger than will permit effective personal relations between the adult caretaker or caretakers of each cottage and each child therein. Twenty-five is suggested as a desirable cottage unit, subject to revision in the light of further experience in the management of cottage institutions. The cottage plan is probably somewhat more expensive, both in construction and in maintenance, than the congregate system. It is so, however, only because it secures for the children a larger degree of association with adults and a nearer approach to the conditions of family life, which are required for the proper molding of childhood. These results more than justify the increased outlay and are truly economical. Child-caring agencies, whether supported by public or private funds, should by

all legitimate means press for adequate financial support. Inferior methods should never be accepted by reason of lack of funds without continuing protest. Cheap care of children is ultimately enormously expensive, and is unworthy of a strong community. Existing congregate institutions should so classify their inmates and segregate them into groups as to secure as many of the benefits of the cottage system as possible, and should look forward to the adoption of the cottage type when new buildings are constructed.

The sending of children of any age or class to almshouses is an unqualified evil, and should be forbidden everywhere by law, with suitable penalty for its violation.

Incorporation

5. To engage in the work of caring for needy children is to assume a most serious responsibility, and should, therefore, be permitted only to those who are definitely organized for the purpose, who are of suitable character, and possess, or have reasonable assurance of securing, the funds needed for their support. The only practicable plan of securing this end is to require the approval, by a state board of charities or other body exercising similar powers, of the incorporation of all child-caring agencies, including the approval of any amendments of the charter of a benevolent corporation, if it is to include child-caring work; and by forbidding other than duly incorporated agencies to engage in the care of needy children.

State Inspection

6. The proper training of destitute children being essential to the well-being of the State, it is a sound public policy that the State, through its duly authorized representative, should inspect the work of all agencies which care for dependent children, whether by institutional or by home-finding methods, and whether supported by public or private funds. Such inspection should be made by trained agents, should be thorough, and the results thereof should be reported to the responsible authorities of the institution or agency concerned. The information so secured should be confidential, not to be disclosed except by competent authority.

Inspection of Educational Work

7. Destitute children at best labor under many disadvantages and are deprived in greater or less degree of the assistance and guidance which parents afford their own children. It is important,

therefore, that such children be given an education which will fit them for self-support and for the duties of citizenship, and the State should provide therefor. In order that this education may be equal to that afforded by the schools attended by the other children of the community, it is desirable that the education of children in orphan asylums and other similar institutions or placed in families should be under the supervision of the educational authorities of the State.

Facts and Records

8. The proper care of a child in the custody of a child-caring agency, as well as the wise decision as to the period of his retention and ultimate disposition to be made of him, involve a knowledge of the character and circumstances of his parents, or surviving parent, and near relatives, both before and at the time the child becomes dependent, and subsequently. One unfortunate feature of child-caring work hitherto is the scanty information available as to the actual careers of children who have been reared under the care of charitable agencies. This applies both to institutions which too frequently lose sight of the children soon after they leave their doors, and home-finding agencies which too frequently have failed to exercise supervision adequate to enable them to judge of the real results of their work. It is extremely desirable that, taking all precautions to prevent injury or embarrassment to those who have been the subjects of charitable care, the agencies which have been responsible for the care of children should know to what station in life they attain and what sort of citizens they become. Only in this manner can they form a correct judgment of the results of their efforts.

We believe, therefore, that every child-caring agency should —

(*a*) Secure full information concerning the character and circumstances of the parents and near relatives of each child in whose behalf application is made, through personal investigation by its own representative, unless adequate information is supplied by some other reliable agency.

(*b*) Inform itself by personal investigation at least once each year of the circumstances of the parents of children in its charge, unless the parents have been legally deprived of guardianship, and unless this information is supplied by some other responsible agency.

(*c*) Exercise supervision over children under their care until such children are legally adopted, are returned to their parents, attain their majority, or are clearly beyond the need of further supervision.

(*d*) Make a permanent record of all information thus secured.

Physical Care

9. The physical condition of children who become the subject of charitable care has received inadequate consideration. Each child received into the care of such an agency should be carefully examined by a competent physician, especially for the purpose of ascertaining whether such peculiarities, if any, as the child presents may be due to any defect of the sense organs or to other physical defect. Both institutions and placing-out agencies should take every precaution to secure proper medical and surgical care of their children and should see that suitable instruction is given them in matters of health and hygiene.

Cooperation

10. Great benefit can be derived from a close cooperation between the various child-caring agencies, institutional and otherwise, in each locality. It is especially desirable that harmonious relations be established in regard to the classes of children to be received by each agency, the relations of such agencies to the parents of children received, and the subsequent oversight of children passing from the custody of child-caring agencies. The establishment of a joint bureau of investigation and information by all the child-caring agencies of each locality is highly commended, in the absence of any other suitable central agency through which they may cooperate.

Undesirable Legislation

11. We greatly deprecate the tendency of legislation in some States to place unnecessary obstacles in the way of placing children in family homes in such States by agencies whose headquarters are elsewhere, in view of the fact that we favor the care of destitute children, normal in mind and body, in families, whenever practicable.

We recognize the right of each State to protect itself from vicious, diseased, or defective children from other States by the enactment of reasonable protective legislation; but experience proves that the reception of healthy normal children is not only an act of philanthropy, but also secures a valuable increment to the population of the community and an ultimate increase of its wealth.

The people of the more prosperous and less congested districts owe a debt of hospitality to the older communities from which many of them came.

We earnestly protest, therefore, against such legislation as is prohibitive in form or in effect, and urge that where it exists it be repealed.

Permanent Organization

12. The care of dependent children is a subject about which nearly every session of the legislature of every State in the Union concerns itself; it is a work in which State and local authorities in many States are engaged, and in which private agencies are active in every State. Important decisions are being made constantly by associations, institutions, and public authorities affecting questions of policy, the type of buildings to be constructed, the establishment of an adequate system of investigating homes and visiting children placed in homes, and scores of important matters affecting the well-being of needy children. Each of these decisions should be made with full knowledge of the experience of other States and agencies, and of the trend of opinion among those most actively engaged in the care of children, and able to speak from wide experience and careful observation. One effective means of securing this result would be the establishment of a permanent organization to undertake, in this field, work comparable to that carried on by the National Playground Association, the National Association for the Study and Prevention of Tuberculosis, the National Child Labor Committee, and other similar organizations in their respective fields. It is our judgment that the establishment of such a permanent voluntary organization, under auspices which would insure a careful consideration of all points of view, broad mindedness and tolerance, would be desirable and helpful, if reasonably assured of adequate financial support.

Federal Children's Bureau

13. A bill is pending in Congress for the establishment of a federal children's bureau to collect and disseminate information affecting the welfare of children. In our judgment the establishment of such a bureau is desirable, and we earnestly recommend the enactment of the pending measure.

Summary

14. The preceding suggestions may be almost completely summarized in this — that the particular conditions and needs of each destitute child should be carefully studied and that he should receive that care and treatment which his individual needs require,

and which should be as nearly as possible like the life of the other children of the community.

15. We respectfully recommend that you send to Congress a message urging favorable action upon the bill for a federal children's bureau and the enactment of such legislation as will bring the laws and the public administration of the District of Columbia and other federal territory into harmony with the principles and conclusions herein stated, and we further recommend that you cause to be transmitted to the governor of each State of the Union a copy of the proceedings of this conference for the information of the state board of charities or other body exercising similar powers.

Yours very respectfully,

HASTINGS H. HART,
EDMOND J. BUTLER,
JULIAN W. MACK,
HOMER FOLKS,
JAMES E. WEST,
Committee on Resolutions.

By order of the conference.

The above letter, embodying the conclusions of the conference on the care of dependent children, was unanimously adopted at the close of the afternoon session on Tuesday, January 26, 1909.

HOMER FOLKS,
Vice-Chairman.
JAMES E. WEST,
Secretary.

III. DELINQUENTS

[From Mack, Julian W., "The Law and the Child," *Survey*, Vol. 23 (1910), pp. 638–643.]

The legal questions involved in the problem of the delinquent child, while not complicated, have nevertheless given rise to some discussion and to some slight dissent from the standpoint of the constitutional law.

We are familiar with the conception that the state is the higher or ultimate parent of all the dependents within its borders. Whatever may have been the historical origin of the practice, we know that for over two centuries the Courts of Chancery in England have exercised jurisdiction for the protection of the unfortunate child, as evidenced by judgments of the House of Lords and of the chancellors.

The proposition that the Court of Chancery could not act unless the infant had property, has been declared in many cases to be wholly unsupported by either principle or authority.

In the early case of Cowles *vs.* Cowles (3 Gilman, 435, 1846), Caton, J., said:

> The power of the Court of Chancery to interfere with and control not only the estates but the persons of all minors within the limits of its jurisdiction, is of very ancient origin and cannot now be questioned. This is a power which must necessarily exist somewhere in every well-regulated society, and more especially in a republican government. A jurisdiction thus extensive and liable, as we have seen, to enter into the domestic relations of every family in the community, is necessarily of a very delicate and even of a very embarrassing nature; and yet its exercise is indispensable in every well-governed society. It is indispensably necessary to protect the persons and preserve the property of those who are unable to protect and take care of themselves.

And shortly thereafter in the case of Miner *vs.* Miner [11 Ill., 40 (1849)], he enunciated the practically unanimous American, doctrine that the parents' rights are always "subject to control by the Court of Chancery when the best interests of the child demand it."

Support was found for the erroneous contention that a property interest is essential to jurisdiction in the fact that, until comparatively recent times, the aid of the court in England was seldom sought except when the child had an independent fortune; but, as was said by Lord Eldon, whose decree in the Wellesley case [2 Russ., 1 (1827)] was affirmed by the House of Lords [2 Bligh, N. S., 124 (1827)]:

> It is not from any want of jurisdiction that it does not act, but from a want of means to exercise its jurisdiction, because the court cannot take upon itself the maintenance of all the children in the kingdom. It can exercise this jurisdiction fully and practically only where it has the means of applying property for the maintenance of the infant.

This want has been met both through the extension of parental obligations and through public grants of money or institutions for the support, maintenance, and education of the children.

While in most jurisdictions the Juvenile Court laws make provision for the dependent as well as for the neglected, the truant and the delinquent child, some of the best workers in this field have objected to a court having anything to do with the strictly dependent child — the child whose parents must ask assistance merely because of poverty or misfortune. If friends or the church fail

and the aid of the state is sought, it should be granted through poor law or relief commissioners, they argue. The court should be called upon to act only in the case of a persistent truant or a victim of neglect or wrong-doing on the part of others or of itself.

It is particularly in dealing with those children who have broken the law or who are leading the kind of life which will inevitably result in lawbreaking, that the new and distinctive features of the Juvenile Court legislation appear.

Our common criminal law did not differentiate between the adult and the minor who had reached the age of criminal responsibility — seven at common law and in some of our states, ten in others, with a chance of escape up to twelve if lacking in mental and moral maturity. The fundamental thought in our criminal jurisprudence was not, and in most jurisdictions is not, reformation of the criminal, but punishment; punishment as expiation for the wrong, punishment as a warning to other possible wrongdoers. The child was arrested, put into prison, indicted by the grand jury, tried by a petit jury, under all the forms and technicalities of our criminal law, with the aim of ascertaining whether it had done the specific act — nothing else — and if it had, then of inflicting the punishment of the state upon it.

It is true that in the modern reformatories which supplanted the penitentiary for youthful offenders guilty of serious crimes, an endeavor was made, while punishing, to reform, so that at the expiration of his term the prisoner could go out into the world capable at least of making an honest living. And in course of time, in some jurisdictions, youths were separated from older offenders even in police stations, jails, and workhouses. But the state criminalized the boys in its very effort to reform them. Instead of aiming to find out the history of the accused lad, his heredity, environment, associations; how he had come to do the act which brought him before the court, it asked but one question, "Has he committed this crime?" If the answer was "Yes" it did not even then inquire, "What is the best thing to do for him?" It did not punish him in a manner that would tend to improve him. The punishment was proportioned to the degree of wrongdoing evidenced by the single act; not by the needs of the boy, not by the needs of the state.

To-day, however, the thinking public is putting another sort of question, Why is it not just and proper to treat these juvenile offenders as we do neglected children, as a wise and merciful father handles his own child whose errors are not discovered by the authorities, by finding out what he is, physically, mentally, morally, and then if he is treading the path that leads to criminality, by

taking him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, to make him not a criminal but a worthy citizen.

And it is this thought that predominates to-day; that the child who has begun to go wrong, who is incorrigible, who has broken a law or an ordinance, is to be taken in hand by the state not as an enemy but as a protector, as the ultimate guardian, because the unwillingness or the inability of the natural parents to guide it toward good citizenship has compelled its intervention. This principle, which to some extent was applied earlier in Australia and a few American states, was first fully and clearly declared in the act under which the Juvenile Court of Cook county, Ill., was opened in Chicago, on July 1, 1899, Judge R. S. Tuthill presiding. Colorado followed soon after, and since that time similar legislation has been adopted in over thirty American jurisdictions, as well as in Great Britain and Ireland, Canada, the Australian colonies and to some extent continental Europe.

Juvenile Court legislation has assumed two aspects. In Great Britain, New York, and a few other jurisdictions, protection is accomplished by suspending sentence and releasing the child under probation, or, in case of removal from the home, by sending it to a school instead of to a jail or a penitentiary. The criminal proceeding remains, however. The child is charged with the commission of a definite offense, of which it must be found either guilty or not guilty. If not guilty of the one certain act it is discharged, however much it may need care or supervision. If guilty, it is dealt with, but as a criminal. And this would seem to be true even under the New York statute of May 25, 1909, which seems merely to change the old name of the crime to "juvenile delinquency."

But in Illinois, and following the lead of Illinois in most jurisdictions, the form of procedure is totally and wisely different. It seems obvious that if the common law can fix the age of criminal responsibility at seven, and if the Legislature can advance that age to ten or twelve, it can also raise it to sixteen or seventeen or eighteen, and that is what in some measure has been done. Under most of the Juvenile Court laws a child under the designated age is not to be proceeded against as a criminal in the first instance except when, in the judgment of the judge of the Juvenile Court, the interests of the state and of the child require it. Unless the act is clear on this point, criminal proceedings will be upheld as they were in New Hampshire [State *vs.* Burt, 71 Atl., 30 (1908)], but if the act is clear they will be quashed [State of Louisiana *vs.* Reed, 49 So. 3 (1909)].

The case is now heard in the court that represents the *parens patriæ* power of the state — the Court of Chancery. Proceedings are brought to have a guardian or representative of the state appointed to look after the child, to have the state intervene between the natural parent and the child because some acts of the child show a need for it, and because the parent is either unwilling or unable to train the child properly.

The objection made from time to time that this is nevertheless a criminal proceeding, and that therefore the child is entitled to a trial by jury and to all the constitutional rights that hedge about the criminal, is well answered in the language of the Pennsylvania Court, in Commonwealth against Fisher (213 Pa. St., 48):

> To save a child from becoming a criminal, or from continuing in a career of crime, to end in maturer years in public punishment and disgrace, the legislature surely may provide for the salvation of such a child, if its parents or guardian be unable or unwilling to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state's guardianship and protection.
>
> The action is not for the trial of a child charged with a crime, but is mercifully to save it from such an ordeal, with the prison or penitentiary in its wake, if the child's own good and the best interests of the state justify such salvation. Whether the child deserves to be saved by the state is no more a question for a jury than whether the father, if able to save it, ought to save it. The act is but an exercise by the state of its supreme power over the welfare of the child, taking its age into consideration.
>
> The design is not punishment, nor the restraint, imprisonment, any more than is the wholesome restraint which a parent exercises over his child. The severity in either case must necessarily be tempered to meet the necessities of the particular situation. There is no probability, in the proper administration of the law, of the child's liberty being unduly invaded. Every statute which is designed to give protection, care and training to children, as a needed substitute for parental authority and performance of parental duty, is but a recognition of the duty of the state, as the legitimate guardian and protector of children where other guardianship fails. No constitutional right is violated.

Juvenile Court acts framed on this theory must not provide for that which is clearly punishment as *e.g.*, a fine, or imprisonment, or they will be unconstitutional [Robinson *vs.* Wayne Circuit Judges, 151 Mich., 315, 115 N. W., 682, (1908); People *ex rel. vs.* Turner, 55 Ill., 280 (1870)]. The spirit of this latter case is to change what would otherwise be a moral obligation of the state into a legal duty, the obligation in taking a child away from its natural parents, to give it a real home and school and not a prison in disguise. The parents should always be made parties to the

proceedings and an opportunity be given them to be heard in defense of their parental rights.

The main principles involved in Juvenile Court legislation, as pointed out by Herbert Samuels in introducing into the House of Commons his excellent children's bill, are that the child offender be kept separate from the adult criminal; that the courts be agencies for the rescue as well as the punishment of children; that the parent be made to feel more responsible for the wrongdoing of his child, and that the commitment of children to jails, no matter what the offense, is an unsuitable penalty. To these, however, should be added that taking a child away from its parents is as far as possible to be avoided; and, as the most important principle, that when it is allowed to return home it must be under probation, subject to the guidance and friendly interest of the probation officer as the representative of the court. To raise the age of criminal responsibility from seven or ten to sixteen or eighteen without providing for an efficient system of probation, would be disastrous. Probation is the keynote of Juvenile Court legislation.

The jurisdiction to hear cases is generally granted to an existing court having full equity powers. Some cities, however, have provided special courts with judges devoting their entire time to this work. If these special courts can constitutionally be vested with full and complete chancery and criminal jurisdiction, much is to be said in favor of their establishment. In the large cities particularly the entire time of one judge may well be needed. It has been suggested from time to time that all the judges of the municipal or special session courts be empowered to act in these cases, but while it would be valuable in metropolitan communities to have more than one detention home and court house, it would seem to be even more important to have a single Juvenile Court judge. The British government has adopted this policy for London.

By the Colorado act of 1909 provision is made for hearings before masters in chancery, designated as masters of discipline, to be appointed by the Juvenile Court judge and to act under his directions. This may prove to be the best solution of a difficult problem, combining as it does the possibility of a quick disposition of the simpler cases in many sections of a large city or county, with a unity of administration through the supervisory power of a single judge.

The personality of the judge is an all-important matter. The public at large, sympathetic to the work, and even the probation officers who are not lawyers, regard the judge as one having almost

autocratic power. Because of the extent of his jurisdiction and the tremendous responsibility that it entails, it is, in the judgment of the writer, absolutely essential that he be a trained lawyer thoroughly imbued with the doctrine that ours is a "government of laws and not of men."

He must, however, be more than a lawyer. He must be a student of and deeply interested in the problems of philanthropy and child life and a lover of children. He must be able to understand the boys' point of view and ideas of justice; he must be willing and patient enough to search out the underlying causes of the trouble and to formulate the plan by which, ofttimes through the cooperation of many agencies, the cure may be effected. [See Mill *vs.* Brown, 88 Pac., 609 (1907), Utah.]

In some very important jurisdictions the vicious practice is indulged in of assigning a different judge to the Juvenile Court work every month or every three months. It is impossible for these judges to gain the necessary experience or to devote the necessary time to the study of new problems. The service should under no circumstances be for less than one year and preferably for a longer period. In some of our cities, notably in Denver, the judge has discharged not only the judicial functions but also those of the most efficient probation officer. Judge Lindsey's love for the work and his personality have enabled him to exert a powerful influence on the boys and girls brought before him. While doubtless the best results can be obtained in such a court, lack of time would prevent a judge in the largest cities from adding this work to his strictly judicial duties, even were it not extremely difficult to find the necessary combination of elements in one man. Judge Lindsey is unique.

The child brought into court should be made to know that he is face to face with the power of the state, but at the same time and more emphatically he should be made to feel that he is the object of its care and solicitude. The ordinary trappings of the court room are out of place in such hearings. The judge on a bench, looking down upon the boy standing at the bar, can never evoke a sympathetic spirit. Seated at a desk, with the child at his side, where on occasion he can put his arm around his shoulder and draw the lad to him, the judge, while losing none of his judicial dignity, will gain immensely in effectiveness. Moreover, in this way, even in a large room, the proceedings can be conducted more quietly and sympathetically and without undue publicity. Then, too, the child can be made to feel that he is talking directly with the judge and that the judge is carefully heeding his story. If the child be made to feel that the judge is endeavoring to get the truth

from him rather than from witnesses and that he is trusting him, far better results will be obtained. It is wiser, too, to follow the practice of those cities which have attendants and officials, including police officers, appear without uniform.

The court must always aim not to destroy but to better the relations between the parent and the child, and it is therefore seldom wise to reprimand the parent, no matter how deserving of it he may be, in the presence of the child.

While the proceedings in this court, as in all courts, should be public, so as to avert danger even of unjust suspicions, the greatest effort should be made to limit the extent of publicity. Mere idlers and those impelled by curiosity should be excluded from the room; earnest students, on the other hand, should be admitted, and full opportunity given them to study the proceedings. While stimulating the public interest which is essential to the work of the court, the press should be induced to spare the feelings of the children, their relatives and friends by not printing real names or addresses.

The object of the Juvenile Court and of the intervention of the state is, of course, in no case to lessen or weaken the sense of responsibility, either of the child or of the parents. On the contrary, the aim is to develop and to enforce it. Therefore, it is wisely provided in most of the recent acts that the child, if of working age, may be compelled when on probation to make restitution for any damage it has done. Moreover, the parents may not only be compelled to contribute to the support even of the children who are sent to institutions, but, following Colorado, in many states, they, as well as other adults, may be made liable for their acts or neglect contributing to a child's dependency or delinquency. In most of the jurisdictions which have established separate Juvenile Courts, as well as in some of the others, all criminal cases affecting children are tried by the Juvenile Court judge. In legislation making adults criminally liable for such contributory acts the constitutional rights of the defendant must be carefully safeguarded. Such penal acts are strictly construed, and therefore in the recent case of Gibson *vs.* People, 99 Pac., 333 (1909), the Colorado Supreme Court limited the application of the act of 1903 to the parents and those standing in a parental relation to the child. Colorado, in 1907, however, as well as other states, expressly extended the scope of such statutes so as to include any person, whether standing in *loco parentis* or not. The Supreme Court of Oregon in State *vs.* Dunn (99 Pac., 278 (1909)) construed such legislation to refer only to misconduct not otherwise punishable.

Kentucky, in 1908, followed by Colorado in 1909, has enacted

a statute providing for the enforcement of parental obligations not in the criminal but in the chancery branch of the Juvenile Court. A decree not merely for the payment of support money, but for the performance or omission of such acts as under the circumstances of the case are found necessary, may be enforced by contempt proceedings.

The work of the Juvenile Court is, at the best, palliative, curative. The more important, indeed the vital thing, is to prevent children from reaching that condition in which they have to be dealt with in any court, and we are not doing our duty to the children of to-day, the men and women of to-morrow, when we neglect to destroy the evils that are leading them into careers of delinquency, when we fail not merely to uproot the wrong, but to implant in place of it the positive good. We must study thoroughly the underlying causes of juvenile delinquency in order to apply these preventive and positive measures. As was well said (186 Hans. Parl. Deb., 4th series, 1262) in the course of the debates on the children's bill in the House of Commons: "We want to say to the child that if the world or the world's law has not been his friend in the past, it shall be now. We say that it is the duty of this Parliament and that this Parliament is determined to lift if possible and rescue him, to shut the prison door, and to open the door of hope."

CHAPTER XXVIII

THE CHURCH AND EDUCATION

The Secularization of Education. — Throughout the colonial period social customs and institutional life were naturally dominated by mother country traditions; none of which exerted a more persistent influence than that of the accepted relation and responsibility of the church as regards education, in all of its stages. The taproot of early nineteenth century democracy was necessarily nurtured in the conception of the free and universal school, untrammeled by the restrictions of religious orthodoxy or the conflicts of creed. The secular common school came as the inevitable result of the adjustment of the new relations of men which were grounded in the religious freedom of individuals and in the political rights of majorities.

The entrance of the state with the secular school into the field of education could have but a single series of results; the more or less immediate withdrawal of the church, and of private and philanthropic enterprise from elementary education activities; and thenceforth a gradually diminishing range of influence of the non-state institutions of education, of higher as well as of middle grade.

The Roman Catholic Church, notwithstanding the social trend by which the system of general state education has expanded and enlarged, has continued to retain its ancient responsibilities for the education of its adherents. The principal selections for this chapter pertain to the existing attitude of the church to the question of education, and the problems presented by this attitude.

I. Catholic Parochial Schools

1. *State Schools and Parish Schools — Is Union between them Impossible?*

[From Ireland, John (Archbishop), Proceedings, National Education Association, 1890, pp. 179–185.]

I will beg leave to make at once my profession of faith. I declare most unbounded loyalty to the constitution of my country. I desire no favors. I claim no rights that are not in consonance with its letter and its spirit. The rights which the constitution allows I do claim, and in doing so I am but the truer and more loyal American. In what I may say to this distinguished audience, the principles of our common American citizenship shall inspire my words. I beg that you listen to me and discuss my arguments in the light of those principles.

I am the friend and the advocate of the state school. In the circumstances of the present time I uphold the parish school. I do sincerely wish that the need of it did not exist. I would have all schools for the children of the people state schools.

The accusation has gone abroad that Catholics are bent on destroying the state school. Never was there an accusation more unfounded. I will summarize the articles of my school creed; they follow all the lines upon which the state school is built.

The right of the state school to exist, I consider, is a matter beyond the stage of discussion. I most fully concede it. To the child must be imparted instruction in no mean degree, that the man may earn for himself an honest competence, and acquit himself of the duties which society exacts from him for its own prosperity and life. This proposition, true in any country of modern times, is peculiarly true in America. The imparting of this instruction is primarily the function of the child's parent. The family is prior to the state. The appointment of Providence is that under the care and direction of the parent, the child shall grow both in body and in mind. The state intervenes whenever the family cannot or will not do the work that is needed. The state's place in the function of instruction is *loco parentis*. As things are, tens of thousands of children will not be instructed if parents remain solely in charge of the duty. The state must come forward as an agent of instruction; else ignorance will prevail. Indeed, in the absence of state action, there never was that universal instruction which we have so nearly attained and which we deem necessary.

In the absence of state action I believe universal instruction would never, in any country, have been possible.

State action in favor of instruction implies free schools in which knowledge is conditioned in the asking; in no other manner can we bring instruction within the reach of all children. Free schools! Blest indeed is the nation whose vales and hillsides they adorn, and blest the generations upon whose souls are poured their treasure! No tax is more legitimate than that which is levied for the dispelling of mental darkness, and the building-up within a nation's bosom of intelligent manhood and womanhood. The question may not be raised: how much good accrues to the individual tax-payer; the general welfare is richly served, and this suffices. It is scarcely necessary to add that the money paid in school tax is the money of the state, and is to be disbursed solely by the officials of the state, and solely for the specific purposes in view of which it was collected.

I unreservedly favor state laws making instruction compulsory. Instruction is so much needed by each citizen for his own sake and for that of society that the father who neglects to provide for his child's instruction sins against the child and against society, and it behooves the state to punish him. Of course, first principles must not be forgotten, and since instruction is primarily the function of the parent, the state entering into action *loco parentis*, the parent enjoys the right to educate his child in the manner suitable to himself; provided always that the education given in this manner suffices for the ulterior duties of the child toward himself and society. Compulsory education implies attendance in schools maintained and controlled by the state only when there is no attendance in other schools known to be competent to impart instruction in the required degree. The compulsory laws recently enacted in certain States of the Union are, to my judging, objectionable in a few of their incidental clauses. These, I am confident, will readily be altered in approaching legislative sessions. With the body of the laws, and their general intent in the direction of hastening among us universal instruction, I am in most hearty accord.

It were idle for me to praise the work of the state school of America in the imparting of secular instruction. We all confess its value. It is our pride and our glory. The republic of the United States has solemnly affirmed its resolve that within its borders no clouds of ignorance shall settle upon the minds of the children of its people. To reach this result its generosity knows no limit. The free school of America — withered be the hand raised in sign of its destruction!

Can I be suspected of enmity to the state school because I fain

would widen the expanse of its wings until all the children of the people find shelter beneath their cover, because I tell of defects which for very love of the state school I seek to remedy?

I turn to the parish school. It exists. I repeat my regret that there is the necessity for its existence. In behalf of the state school I call upon my fellow-Americans to aid in the removal of this necessity.

Catholics are foremost in establishing parish schools. Seven hundred and fifty thousand children, it is estimated, are educated in their parish schools. A lack of material means prevents them from housing their full number of children. Lutherans exhibit great zeal in favor of parish schools. Many Episcopalians, and some different other Protestant denominations, commend and organize parish schools. The different denominational colleges of the country are practically parish schools for the children of the richer classes. The spirit of the parish school, if not the school itself, is widespread among American Protestants, and is made manifest by their determined opposition to the exclusion of Scripture-reading and other devotional exercises from the school-room.

There is dissatisfaction with the state school, as at present organized. The state school, it is said, tends to the elimination of religion from the minds and hearts of the youth of the country.

This is my grievance against the state school of to-day. Believe me, my Protestant fellow-citizens, that I am absolutely sincere, when I now declare that I am speaking for the weal of Protestantism as well as for that of Catholicism. I am a Catholic, of course, to the tiniest fiber of my heart, unflinching and uncompromising in my faith. But God forbid that I desire to see in America, the ground which Protestantism occupies exposed to the chilling and devastating blast of unbelief. Let me be your ally in stemming the swelling tide of irreligion, the death-knell of Christian life and of Christian civilization, the fatal foe of souls and of country. This is what we have to fear — the materialism which sees not beyond the universe a living, personal God, or the agnosticism which reduces him to an indescribable perhaps. The evil is abroad, scorning salvation through the teachings and graces of Christ Jesus, sneering at the Biblical page, warring upon the sacredness of the Christian Sabbath and the music of its church-bells, telling of Heaven and of the hopes of immortal souls. Let us be on our guard. In our jealousies lest Protestants gain some advantage over Catholics, or Catholics over Protestants, we play into the hands of unbelievers and secularists. We have given over to them the school, the nursery of thought. Are we not securing to them the mastery of the future?

The state school is non-religious. It ignores religion. There is and there can be no positive religious teaching where the principle of non-sectarianism rules. What follows? The school deals with immature, childish minds, upon which silent facts and examples make deepest impression. The school claims nearly all the time remaining to pupils outside of rest and recreation; to the school they will perforce amid the struggles of later life look back for inspiration. It treats of land and sea, but not of Heaven; it speaks of statesmen and warriors, but is silent on God and Christ; it tells how to attain success in this world, but says nothing as to the world beyond the grave. The pupil sees and listens; the conclusion is inevitable, that religion is of minor importance. Religious indifference will be his creed; his manhood will be, as his childhood in the school, estranged from God and the positive influences of religion. The belief and hurried lessons of the family fireside and the Sunday school will not avail. At best, the time is too short for that most difficult of lessons, religion. The child is tired from the exacting drill of the schoolroom, and will not relish an extra task, of the necessity of which the teacher, in whom he confides most trustingly, has said nothing. The great mass of children receive no fireside lessons, and attend no Sunday school, and the great mass of the children of America are growing up without religion. Away with theories and dreams: let us read the facts. In ten thousand homes of the land the father hastens to his work in the early dawn before his children have risen from their slumbers, and in the evening an exhausted frame bids him seek at once repose, with scarcely time allowed to kiss his little ones. The mother toils from morning to night, that they may eat and be clothed; it is mockery to ask her to be their teacher. What may you expect from the Sunday school? An hour in the week to learn religion is as nothing, and only the small number will be present during that hour. The churches are open and teachers are at hand, but the non-religious school has claimed the attention and the hard work of the child during five days of the week; he is unwilling to submit to the drudgery of a further hour's work on Sunday. Accidentally and unintentionally, it may be, but, in fact, most certainly, the state school crowds out the work of the church, and takes from it the opportunities to secure a hearing. The state need not teach religion; but for the sake of its people, and for its own sake, it should permit and facilitate the action of the church. It hinders and prevents this action. The children of the masses are learning no religion. The religion of thousands, who are supposed to be religious, is the merest veneering of mind and heart. Its doctrines are vaguest and most chaotic notions as

to what God is, and what our relations to Him are. Very often it is mere sentimentality, and its precepts are the decorous rulings of natural culture and natural policy. This is not the religion that built up in the past our Christian civilization, and that will maintain it in the future. This is not the religion that will subjugate passion and repress vice. It is not the religion that will guard the family and save society.

Let the state look to itself. The mind which it polishes is a two-edged sword — an instrument for good or an instrument for evil. It were fatal to polish it without the assurance that in all likelihood it shall be an instrument for good. I am not questioning how far we may lay at the door of the non-religious school the breaking up of Christian creeds, the growth of agnosticism and unbelief, the weakening of public and private morals, and the almost complete estrangement of the poor and the working classes from church organizations. But I do submit that these dreaded evils of our day should awaken us from our lethargy, and compel us to bestow more than the ordinary care upon the religious instruction of the children of the land, that they may have the strength to withstand the fierce temptations surrounding them, and not, rather, by their precipitation into the maelstrom, intensify the evils.

Do not say that the state school teaches morals. Christians demand religion. Morals, without the positive principles of religion giving to them root and sap, do not exist. What seems to be morals without religion are the blossomings of fortunate and kindly disposed natures, or habits fashioned upon Christian traditions that grow weaker as the traditions become remote.

To the American people at large — religious-minded and God-fearing as I know them to be — I put the question: Ought we not to have, in connection with the school, religious instruction? That there are serious difficulties in the way, I confess. But are we to stop at difficulties, when it is incumbent upon us to reach the goal? I do not mistrust the reply.

Secularists and unbelievers will interpose their rights. I allow them their rights. I will not impose upon them my religion, which is Christianity. But let them not impose upon me and my fellow-Christians their religion, which is secularism. Secularism is a religion of its kind, and usually a very loud-spoken and intolerant religion. And when non-sectarianism is intended, the secularist sect must not claim for itself the field which it refuses to others. I am taking my stand upon our common American citizenship. The liberty I claim, that I grant.

I come to the chief difficulty in the premises. The American

people at large are Christians; but they are divided among themselves. Yes, they are divided. Not to speak of other differences, there is a radical and vital one between Protestantism of all forms and Catholicism. I am not arguing. I am relating facts. Well-meaning and well-deserving men have proposed as a remedy in this instance, that there be taught in connection with the schools a common Christianity. This will not do. Catholics in fidelity to their principles cannot accept a common Christianity. What comes to them not bearing on its face the stamp of Catholicity, is Protestant in form and in implication, even if it be Catholic in substance. This being the settled fact, American Catholics will not, of course, inflict Catholicism upon non-Catholic or Protestant children, and with similar fair-mindedness American Protestants will not inflict Protestantism upon Catholic children. Some compromise becomes necessary. Is it not ten thousand times better that we make the compromise rather than allow secularism to triumph and own the country?

I turn to all Americans — secularists as well as Christian believers — and I address them in the name of American citizenship. We are a practical people, and when we find facts before us, whether we like or dislike them, we deal with them with an eye to the general good. Dissatisfaction does exist with the state school because of its exclusion of religion. The dissatisfaction will exist so long as no change is made. It is founded on conscience.

Is not the fact of this dissatisfaction sufficient that Americans set to work earnestly and with a good will to remove its cause? The welfare of the country demands peace and harmony among citizens. Let us put an end to the constant murmurings and bitter recriminations with which our school war fills the air. Since we are proud of our state school and prize its advantages, let us make an effort that all the children of the people enjoy those advantages. If there be a public institution, as the state school, supported by all the people, avowedly for the benefit of all the people, let it be such that all may use it. Be there no taxation without representation in the enjoyment of the benefits thereof. Let us most studiously avoid raising barriers to the use of those benefits, and in a most especial manner, such barriers that the opposition to them comes in the name of conscience.

I invoke the spirit of American liberty and American institutions. Our views, perhaps, differ diametrically from those of others of our fellow-citizens; we may deem their views utterly wrong. Still, is not the duty of Americans that of peace and concession, so that others be as undisturbed in their conscience as we are in ours? Does it matter that we happen to be in the majority?

Brute numerical force may be legal; it is not justice, it is not the spirit of America. Minorities have rights, and as speedily as it is possible with the public weal should the majority recognize them. It is no honor to America that ten millions or more be compelled by law to pay taxes for the support of schools to which their conscience forbids access, and to be furthermore, in order to be conscientious, compelled by their zeal for the instruction of their children, to build school-houses of their own, and pay their own teachers. It is no honor for the remaining fifty millions to profit for themselves of the taxes paid by the ten millions. The cry that the state schools are open to them, if they silence their consciences, is not a defense that will hold before the bar of justice. The aspect of the case is the more serious when we consider that those ten millions are largely among the poorer classes of the population, and that they are sincerely and loyally desirous to obtain the benefits of the state school, if only the obstacles be removed.

It is no honor to the American republic that she be more than any other nation foremost in efforts to divorce religion from the schools. No country goes in this direction so far as ours. We have entered upon a terrible experiment; the very life of our civilization and of our country is at stake. I know not how to account for this condition of things, passing strange in America. Neither the genius of our country nor its history gives countenance to it. The American people are naturally reverent and religious. Their laws and public observances breathe forth the perfume of religion. The American school, as it first reared its log walls amid the villages of New England, was religious through and through. The present favor to a non-religious school is, I verily believe, the thoughtlessness of a moment, and it will not last.

I solve the difficulty by submitting it to the calm judgment of the country. No question is insoluble to Americans which truth and justice press home to them. Other countries, whose civilization we do not despise, have found a solution. I instance but England and Prussia. We are not inferior to them in practical legislation and the spirit of peaceful compromise. Suggestions of mine must be necessarily crude in form, and local and temporary in application. I will, however, speak them. I would permeate the regular state school with the religion of the majority of the children of the land, be it as Protestant as Protestantism can be, and I would, as they do in England, pay for the secular instruction given in denominational schools according to results; that is, each pupil passing the examination before state officials, and in full accordance with the state program, would secure to his school the cost of the tuition of a pupil in the state school. This is not pay-

ing for the religious instruction given to the pupil, but for the secular instruction demanded by the state, and given to the pupil as thoroughly as he could have received it in the state school.

Another plan: I would do as Protestants and Catholics in Poughkeepsie and other places in our own country have agreed to do to the greatest satisfaction of all citizens and the great advancement of educational interests. In Poughkeepsie the city school board rents the buildings formerly used as parish schools, and from the hour of 9 A.M. to that of 3 P.M. the school is in every particular a state school — teachers engaged and paid by the board, teachers and pupils examined, state books used, the door always open to superintendent and members of the board. There is simply the tacit understanding that so long as the teachers in those schools, Catholic in faith, pass their examinations and do their work as cleverly and as loyally as other teachers under the control of the board, teachers of another faith shall not be put in their places. Nor are they allowed to teach positive religion during school hours. This is done outside the hours for which the buildings are leased to the board. The state, it is plain, pays not one cent for the religious instruction of the pupils. In the other schools Protestant devotional exercises take place in fullest freedom before the usual school hour.

Do not tell me of difficulties of detail in the working-out of either of my schemes. There are difficulties; but will not the result be fullest compensation for the struggle to overcome them? Other schemes, more perfect in conception and easier of application, will perhaps be presented in time; meanwhile, let us do as best we know.

Allow me one word as a Catholic. I have sought to place on the precise line where it belongs, the objection of Catholics to the state school. Is it fair, is it honest, to raise the cry that Catholics are opposed to education, to free schools, to the American school system? I do lose my patience when adversaries seek to place us in this false position, so contrary to all our convictions and resolves. In presence of this vast and distinguished assembly, to have addressed which is an honor I shall never forget, I protest with all the energy of my soul against the charge that the schools of the nation have their enemies among Catholics. Not one stone of the wondrous edifice which Americans have built up in their devotion to education, will Catholics remove or permit to be removed. They would fain add to the splendor and majesty by putting side by side religion and the school, neither interfering with the work of the other, each one borrowing from the other aid and dignity. Do the schools of America fear contact with religion? The Catho-

lics demand the Christian state school. In so doing they prove themselves the truest friends of the school and the state.

2. *The Educational Propositions of 1892*

One of the most comprehensive statements of the position of the Roman Catholic Church on the subject of education makes no explicit reference to a division of funds, but deals almost entirely with the duty of the Church and its members toward the schools. It consists of fourteen propositions presented by Cardinal Satolli to the Archbishops, assembled for their annual meeting in New York, November 16, 1892. Cardinal Satolli, representing the Holy See at the Columbian Exposition of 1893, had been commissioned by Pope Leo XIII to speak, in his name, on the question of Catholic education, the recent discussions of which had aroused much sharp controversy, within and without the Church. The several propositions were as follows:[1]

FOR THE SETTLING OF THE SCHOOL QUESTION AND THE GIVING OF RELIGIOUS EDUCATION

[From *Report, United States Commissioner of Education,* 1894–1895, Vol. II, pp. 1667–1671.]

The Most Rev. Francis Satolli, Archbishop of Lepanto, Delegate of the Apostolic See to the United States of America to the Archbishops Assembled in New York:

I. All care must be taken to erect Catholic schools, to enlarge and improve those already established, and to make them equal to the public schools in teaching and in discipline. (Conc. Plen. Balt. III, No. 197, p. 101.)

II. When there is no Catholic school at all, or when the one that is available is little fitted for giving the children an education in keeping with their condition, then the public schools may be

[1] Consult Burns, J. A., *Growth and Development of the Catholic School System in the United States* (New York, 1912), for a judicious discussion of the school controversy, and an account of the origin and influence of the propositions of Cardinal Satolli. This work likewise contains an illuminating presentation of the importance of the Third Plenary Council of Baltimore, 1884, to which reference is made in the text of the propositions.

attended with a safe conscience, the danger of perversion being rendered remote by opportune remedial and precautionary measures, a matter that is to be left to the conscience and judgment of the ordinaries. (*Ibid.*, No. 198, p. 103.)

III. We enact and command that no one shall be allowed to teach in a parochial school who has not proven his fitness for the position by previous examination. No priest shall have the right to employ any teacher, male or female, in his school without a certificate of ability or diploma from the diocesan board of examiners. (*Ibid.*, No. 203, p. 108.)

IV. Normal schools, as they are called, are to be established where they are wanting and are evidently necessary. (*Ibid.*, No. 205, p. 110.)

V. We strictly forbid anyone, whether bishop or priest, — and this is the express prohibition of the Sovereign Pontiff through the Sacred Congregation, — either by act or by threat, to exclude from the sacraments as unworthy, parents (who choose to send their children to the public schools). As regards the children themselves, this enactment applies with still greater force. (*Ibid.*, No. 198, p. 104; Conf., Tit. VI, Cap. I, II; Tit. VII.)

VI. To the Catholic Church belongs the duty and the divine right of teaching all nations to believe the truth of the Gospel, and to observe whatsoever Christ commanded (Matth., xxviii, 19); in her likewise is vested the divine right of instructing the young in so far as theirs is the Kingdom of Heaven (Mark, x, 14) (Conf. Conc. Balt., Pl. III., No. 194); that is to say, she holds for herself the right of teaching the truths of faith and the law of morals in order to bring up youth in the habits of a Christian life. Hence, absolutely and universally speaking, there is no repugnance in their learning the first elements and the higher branches of the arts and the natural sciences in public schools controlled by the state, whose office it is to provide, maintain, and protect everything by which its citizens are formed to moral goodness, while they live peaceably together, with a sufficiency of temporal goods, under laws promulgated by civil authority.

For the rest, the provisions of the council of Baltimore are yet in force, and, in a general way, will remain so; to wit: "Not only out of our paternal love do we exhort Catholic parents, but we command them, by all the authority we possess, to procure a truly Christian and Catholic education for the beloved offspring given them of God, born again in baptism unto Christ and destined for Heaven, to shield and secure them throughout childhood and youth from the dangers of a merely worldly education, and therefore to send them to parochial or other truly Catholic schools." United

with this duty are the rights of parents, which no civil law or authority can violate or weaken.

VII. The Catholic Church in general, and especially the Holy See, far from condemning or treating with indifference the public schools, desires rather that, by the joint action of civil and ecclesiastical authorities, there should be public schools in every State, according as the circumstances of the people require for the cultivation of the useful arts and natural sciences; but the Catholic Church shrinks from those features of public schools which are opposed to the truths of Christianity and to morality; and since, in the interest of society itself, these objectionable features are removable, therefore, not only the bishops, but the citizens at large should labor to remove them, in virtue of their own right and in the cause of morality.

VIII. It is long since the Holy See, after consultation with the bishops of the United States of America, decreed that parish schools and other institutions under the direction of the bishops, each according to the conditions of its own diocese, were opportune and necessary for Catholic youth, from the fact that it was held for certain that the public schools bore within themselves approximate danger to faith and morals for various reasons (Conc. Pl. Balt., III., No. 194, seq.; App., p. 279); viz., because in the public schools a purely secular education is given — inasmuch as it excludes all teaching of religion — because teachers are chosen indiscriminately from every sect, and no law prevents them from working the ruin of youth — so that they are at liberty to instill errors and the germs of vice in tender minds. Likewise, certain corruption seemed to impend from the fact that in these schools, or at least in many of them, children of both sexes are brought together for their lessons in the same room.

Wherefore, if it be clear that in a given locality, owing to the wiser dispositions of public authorities or the watchful prudence of schoolboard, teachers, and parents, the above-named dangers to faith and morals disappear, then it is lawful for Catholic parents to send their children to these schools, to acquire the elements of letters and arts, provided the parents themselves do not neglect their most serious duty, and the pastors of souls put forth every effort to instruct the children and train them in all that pertains to Catholic worship and life.

IX. It is left to the judgment and the wisdom of the ordinaries to decide whether, in a certain part of their respective dioceses, a parochial school can be built and kept up in a fitting condition, not inferior to the public schools, taking into consideration the temporal condition of the parents, while graver needs for procuring

their spiritual welfare and the decent support of the Church are pressing. It will be well, therefore, as was the wont of our forefathers, and as was done in the early days of the Church, to establish weekly classes of catechism, which all the children of the parish should attend; for the better success of this measure let the zeal of pastors in fulfilling their duty and the love of Catholic parents leave no effort unspared. (Cf. Conc. Pl. Balt. III., No. 198.)

X. No reproach, either in public or in private, shall be cast upon Catholic parents who send their children to private schools or to academies where a better education is given under the direction of religious or of approved and Catholic persons. If they make sufficient provision for the religious training of their children, let them be free to secure in other ways that education which the position of their family requires.

XI. It is greatly to be desired, and will be a most happy arrangement, if the bishop agree with the civil authorities or with the members of the school board, to conduct the school with mutual attention and due consideration for their respective rights.

While there are teachers of any description for the secular branches, who are legally inhibited from offending Catholic religion and morality, let the right and duty of the Church obtain of teaching the children catechism, in order to remove danger to their faith and morals from any quarter whatsoever.

It seems well to quote here the words of our Holy Father, Leo XIII (see the Pope's letter to the archbishop of New York and to the bishops of the province): "We further desire you to strive earnestly that the various local authorities, firmly convinced that nothing is more conducive to the welfare of the commonwealth than religion, should by wise legislation provide that the system of education which is maintained at the public expense, and to which, therefore, Catholics also contribute their share, be in no way prejudicial to their conscience or religion. For we are persuaded that even your fellow-citizens who differ from us in belief, with their characteristic intelligence and prudence, will readily set aside all suspicions and all views unfavorable to the Catholic Church, and willingly acknowledge her merit, as the one that dispelled the darkness of paganism by the light of the Gospel and created a new society distinguished by the luster of Christian virtues and by the cultivation of all that refines. We do not think that anyone there, after looking into these things clearly, will let Catholic parents be forced to erect and support schools which they can not use for the instruction of their children."

XII. As for those Catholic children that in great numbers are educated in the public schools, where now, not without danger,

they receive no religious instruction at all, strenuous efforts should be made not to leave them without sufficient and seasonable instruction in Catholic faith and practice. We know by experience that not all our Catholic children are found in our Catholic schools. Statistics show that hundreds of thousands of Catholic children in the United States of America attend schools which are under the control of State boards, and in which, for that reason, teachers of every denomination are engaged. Beyond all doubt the one thing necessary, *i.e.*, religious and moral education according to Catholic principles, is not to be treated either lightly or with delay, but on the contrary with all earnestness and energy.

The adoption of one of three plans is recommended, the choice to be made according to local circumstances in the different States and various personal relations.

The first consists in an agreement between the bishop and the members of the school board, whereby they, in a spirit of fairness and good will, allow the Catholic children to be assembled during free time and taught the catechism; it would also be of the greatest advantage if this plan were not confined to the primary schools, but were extended likewise to the high schools and colleges, in the form of a free lecture.

The second: To have a catechism class outside the public-school building, and also classes of higher Christian doctrine, where, at fixed times, the Catholic children would assemble with diligence and pleasure, induced thereto by the authority of their parents, the persuasion of their pastors, and the hope of praise and rewards.

The third plan does not seem at first sight so suitable, but is bound up more intimately with the duty of both parents and pastors. Pastors should unceasingly urge upon parents that most important duty, imposed both by natural and by divine law, of bringing up their children in sound morality and Catholic faith. Besides the instruction of children appertains to the very essence of the pastoral charge; let the pastor of souls say to them with the Apostle: "My little children, of whom I am in labor again until Christ be formed in you." (Gal., iv., 19.) Let him have classes of children in the parish such as have been established in Rome and many other places, and even in churches in this country, with very happy results.

Nor let him, with little prudence, show less love for the children that attend the public schools than for those that attend the parochial; on the contrary, stronger marks of loving solicitude are to be shown them; the Sunday school and the hour for catechism should be devoted to them in a special manner. And to cultivate this field, let the pastor call to his aid other priest, reli-

gious, and even suitable members of the laity, in order that what is supremely necessary be wanting to no child.

XIII. For the standing and growth of Catholic schools, it seems that care should be taken that the teachers prove themselves qualified, not only by previous examination before the diocesan board and by certificate or diploma received from it, but also by having a teacher's diploma from the school board of the State, awarded after successful examination. This is urged, first, so as not to appear regardless, without reason, of what public authority requires for teaching. Secondly, a better opinion of Catholic schools will be created. Thirdly, greater assurance will be given to parents that in Catholic schools there is no deficiency to render them inferior to public schools; that, on the contrary, everything is done to make Catholic schools equal to public schools, or even superior. Fourthly, and lastly, we think that this plan would prepare the way for the State to see, along with the recognized and tested fitness of the teachers, that the laws are observed in all matters pertaining to the arts and sciences, to method and pedagogics, and to whatever is ordinarily required to promote the stability and usefulness of the schools.

XIV. It is necessary that what are called normal schools should reach such efficiency in preparing teachers of letters, arts, and sciences, that their graduates shall not fail to obtain the diploma of the State. For the sake of the Catholic cause, let there be among laymen a growing rivalry to take the diploma and doctorate, so that, possessed of the knowledge and qualifications requisite for teaching, they may compete for and honorably obtain positions in the public gymnasia, lyceums, and scientific institutions.

The knowledge of truth of every kind, straightforward justice united with charity, the effulgence and appreciation of the liberal arts — these are the bulwarks of the church.

All the above was read and considered in the meeting of the archbishops, the difficulties answered, and the requisite alterations made, November 17, 1892.

II. Religious Instruction and Public Schools

[From Wenner, George W., *Religious Education and the Public School*, pp. 188–190.]

Recommendations of the Special Committee of the Federal Council [1] of Churches of Christ to consider Ways and Means to Promote Week-Day Instruction in Religion (1912).

[1] Representing thirty-two denominations and 16,000,000 members.

1. That the Federal Council again place on record its resolutions of 1908:

"That there can be no true and complete education without religion; to provide adequate religious instruction for their children is the duty of the churches, a primal and imperative duty. That the hour at Sunday-school, the religious exercises of the public school and the ethical instruction of the public school, through the personal influence of the great body of religious public school teachers, do not meet the requirements of adequate religious instruction. That to provide religious instruction for their children is not only the duty of the churches, it is their inherited and inherent right, and this right should be recognized by the State in its arrangement of the course of school studies."

2. That whenever and wherever public sentiment warrants such a course, the public schools should be closed for half a day for the purpose of allowing the children to attend instruction in religion in their own churches. As compared with other Christian countries, an allotment of eight per cent. of school time for religion would not be an immoderate allowance.

3. That where it is not feasible to obtain a portion of the time belonging to the school curriculum, the churches should see to it that after school hours on week-days, at least one hour's instruction in religion be given to each child of the congregation.

4. That ecclesiastical bodies and theological seminaries be urged to give increased attention to the pedagogical training of candidates for the ministry.

5. That as citizens, having in mind the highest ideals of education, we exercise care in the selection of teachers and superintendents of public schools with respect to their religious character and the personal influence they would be likely to have upon their pupils.

6. That we invite the National Education Association, the Religious Education Association, and other Associations interested in this subject, to appoint committees to confer with our committee on ways and means for promoting week-day instruction in religion.

7. That the further consideration of the subject be entrusted to the Federal Council's Standing Committee on Education, with the request to report from time to time to the Executive Committee, and at the next meeting of the Federal Council.

III. The Church and State Universities

The rise of the state university has moved the center of gravity of higher education from the Church to the State.

The new relations that are developing between the Church and the State with respect to the latter's higher institutions are represented by the following summary of results of the Third (1910) Annual Conference of Church Workers in State Universities.

[From "Church Work in State Universities," *Report of the Third Annual Conference of Church Workers in State Universities* (1910). Edited by Galpin, C. J., and Edwards, R. H.]

1. POINTS OF GENERAL AGREEMENT

(1) Each denomination ought to give national recognition to the church movement at state universities.

(2) The local church of each denomination at the state university center has a special function as an agent of the denomination in the state and nation, acting for the various churches where they cannot act for themselves.

(3) The work of the denomination by and for the university constituency, both teachers and students, should be done in close connection and coöperation with this local church.

(4) The pastor of this local church should be one of the most capable leaders of his denomination.

(5) In the several larger state university centers, a special representative should be provided by the state or national denominational body, to do religious work in the university community. This religious worker should be closely related to the local church.

(6) The Young Men's Christian Association and the Young Women's Christian Association are specialized institutions acting in certain inter-denominational connections where the denominations cannot effectively act themselves.

(7) The placing of capable men at once on the university field should precede the determination of what kind of buildings to erect, and should not be delayed for the raising of permanent endowments.

2. SOME SIGNIFICANT TENDENCIES

(1) Credits allowed toward diplomas by the University of Iowa for religious courses given outside the university, on examination and approval by a committee of the university faculty.

(2) A School of Religion at the University of Michigan which brings together all the courses of religious instruction given by the

various agencies at Ann Arbor, and offers them through a printed announcement, at the beginning of the year, after the manner of a University department catalog.

(3) A Biblical Institute at the University of Kansas under the official direction of the University. Several days together each year are set apart for special attention to Biblical and religious topics. University professors, during these days, in their regular courses touch in their lectures the points of religious significance. Eminent religious leaders are guests of the university and address the whole body of students in mass meetings.

(4) At the University of Wisconsin, a coöperative plan shared in by the University Pastors' Association and the President and Regents of the University, under which, at intervals each year, three or four men of national eminence in religious work are invited officially to the University to address the whole University at a Convocation upon some theme of general interest, not specifically religious. Each man also gives, under the auspices of the University Pastors' Association, a series of moral and religious addresses in the auditorium of the Young Men's Christian Association, open to men and women.

(5) The new Roman Catholic University chapels at the University of California and at the University of Wisconsin.

3. SOME SUCCESSFUL WORKING AGENTS

(1) The Woman's Mission Board of the Christian denomination, in founding Bible Chairs at State Universities.

(2) The Presbyterian Board of Education coöperating with state synods, in providing adequate Presbyterian pastoral leadership at state university centers.

(3) The University Pastors' Association at the University of Wisconsin, composed of the five Protestant University pastors and the secretaries of the Young Men's and Young Women's Christian Association in working out an aggressive program of local coöperation both among themselves and with the university authorities.

4. IMPORTANT ADVANCES TO BE MADE

(1) Close coöperation of all religious workers, at each state university, in a program for the year so as to present a united front.

(2) Each denomination at large should investigate its local churches at all state university centers with a view to enlarging their effectiveness.

(3) Methods of financing the state university pastorate so as to insure stability.

(4) Each church college should think out its religious and denominational relationship to the state university in its own state, and prepare for united denominational effort, state-wide.

5. A PERTINENT SUGGESTION

Financial aid should be given the local church at the state university center, by the denomination at large, if necessary, to enable it to have capable pastoral leadership.

IV. Educational Work in the Young Men's Christian Associations

[Hodge, George B., Educational Secretary, International Committee of Young Men's Christian Association. *Report, Commissioner of Education*, 1913, Volume I, pp. 578–580.]

NEED, PURPOSE, AND NATURE OF ASSOCIATION EDUCATIONAL WORK

1. *Need.* — We believe in the American public-school system with its unbroken course from the kindergarten to the university. Only when these opportunities are used universally and effectively can best dividends be realized. But the majority of men and boys have not profited as much as they should by the great wealth of public-school facilities.

When we learn from authorities that two-thirds of the boys have left school by the end of the eighth grade; that the average length of a boy's schooling is less than six years; that only 5 per cent of all males are fitted by definite educational training for their vocations; that illiteracy among voters in the United States is many times more prevalent than in England, Scotland, or many other nations; that there is much less opportunity here for vocational training than in other nations — then we may realize the great need for supplementary educational facilities for men and boys in America.

2. *Purpose.* — To meet the demands of our present-day complex civilization, there is great opportunity for the service of individuals, of clubs, of the church, and of the Young Men's Christian Associations. All forms of supplementary agencies for training men and boys may well be enlarged to encourage, strengthen, and

expand the usefulness of the public schools. As the church, through the past 200 years, has so often wisely led in providing educational training through college, technical schools, and other appropriate features, so its leaders through the associations are now striving to help meet the need of the time. The purpose in so doing is to develop Christian manhood; to help men and boys help themselves; to inspire them to higher ideals of life and service; to acquaint them with, and help them wisely to develop, their own capabilities; to increase habits of industry and thrift; and to prepare them to render more easily, willingly, and effectively the highest type of industrial, social, and Christian service.

Association educational work thus encourages and strengthens other good forms of educational work; improves citizenship and assists commerce and trade through appropriate facilities offered at any time of the day or night, and it places emphasis upon Christian character building as fundamental.

3. *Scope and nature of the work.* — Many years of experience in an ever-enlarging program of practical educational activities, conducted either in the association building or outside of it, have developed the following general classes of privileges. The figures presented are for the school year 1912–1913:

(*a*) Reading rooms. The association provides, cares for, and encourages the careful reading of the best periodicals, magazines, technical and trade journals. Nearly 1,000,000 persons enjoy this privilege daily.

(*b*) Books and libraries. The reading of good books is constantly stimulated. The working library for study and research is the means of most efficient and permanent educational service. Public and private libraries are used increasingly; 700,000 good books were read.

(*c*) Educational lectures. Formal high-grade lectures for mixed audiences, and with paid speakers of national reputation, are promoted; 3,412 such lectures were given.

(*d*) Practical talks. Informal talks or demonstrations are given by local talent to small groups at any time or place, day or night; 7,700 were given, attended by 416,000 employed men and boys.

(*e*) Educational tours. Weekly or monthly trips to places of historical, social, industrial, scientific, or religious interest are enjoyed under competent leadership.

(*f*) Educational clubs. Many different kinds are promoted for research, study, discussion, reading, and service. There are 1,023 such groups, with 23,821 members.

(*g*) Class-lecture series. Professional, semiprofessional, and vocational subjects for mature men are handled by experienced

teachers and leaders. Tuition fees are charged, which usually more than cover the expenses. The work requires much reading, discussion, conversation, and demonstration. Such courses include law, accountancy, real estate, advertising, salesmanship, fruit culture, credit work, poultry raising, eugenics, and the like. Over 7,300 business and college men are students in such courses.

(*h*) Educational classes. These include commercial, industrial, trade, academic, language, and high-school subjects, taught by experienced and successful men teachers. The courses usually run during a term of 25 sessions or during the entire year of 80 or 100 sessions. Students pay tuition fees of varying amounts, depending upon the subject and the expense of its conduct. In elementary subjects the fee does not, and should not, cover the expenses. Instruction is given in 120 subjects to 72,842 employed men and boys by 2,646 teachers. The students pay $714,035 in tuition fees.

(*i*) Tutoring. In addition to the work in the classroom, the association often arranges with some teacher to meet the individual needs of a student seeking personal instruction. Such fees are 50 cents or more per hour.

(*j*) Individual altruistic service. Aside from the above standard activities, many associations, through whole-souled Christian teachers and leaders, conduct unadvertised altruistic service, in which each person gladly invests some of his time and effort with no thought of financial return, to help, to teach, and to be a real friend to some other person, like the spirit and practice of the big-brother movement. The amount of such service now rendered is very large and increasing, but there is opportunity for its infinite expansion.

(*k*) Extension features. Over 100 associations are helping to meet educational needs of men and boys outside the association building, using the above features in various kinds of city centers as in shops, offices, stores, homes, clubs, rented halls, school buildings, and other places. Over 100,000 men and boys were thus aided.

(*l*) Coming Americans. Many associations are teaching non-English-speaking males in commercial and industrial life to speak, read, and write in English. As far as possible, and by wise counsel and instruction, they are led into intelligent American citizenship. Over 15,000 students were thus aided.

(*m*) Day privileges. In addition to the evening facilities a number of associations now conduct regularly organized educational privileges in the daytime, including various kinds of schools, courses, and subjects for males of all ages over 14. About 7,000 are enrolled.

(*n*) Among special groups. While the great majority of this supplementary practical educational work is conducted for city men and boys in general, yet there is a growing work with similar privileges among each of the following groups of men and boys; Railroad employees, the Army and Navy, industrial workers, farmers, negroes, Indians, and college students.

(*o*) Among boys. A large and growing movement with over 16,000 boys already enrolled in definite evening classwork is in operation. Employed boys, who have left the public schools and among whom there is such need for educational training, form the largest single opportunity. Over 11,600 of these are now in association classes. About 2,000 boys are studying in association camp schools, and over 4,000 in vacation or summer schools in association buildings.

(*p*) Vocational training. Such subjects as industrial education, continuation schools, apprentice schools, vocational guidance, etc., are demanding large and increasing attention. The associations find here a favorable field for service, and are already making commendable progress. About 35,000 men and boys are in these various courses under association auspices. . . .

CHAPTER XXIX

NON-STATE EDUCATIONAL AGENCIES

Educational Initiative: Individuals; Social Institutions.— The extension and expansion of the educational system, organized and controlled directly by the state, has very naturally reduced the fields of educational activity of the major social institutions, such as the church, the family, and vocation. Furthermore, the influence of individual initiative and effort tends to be lost sight of in the midst of the enveloping parentalism of the modern state in all essential educational enterprises. Even so, a certain balance of power is still exerted by institutions and organizations that owe their origin either to private benefaction, or to the missionary and constructive zeal of voluntary associations. The three sections of this chapter contain evidence of the great potential worth to the cause of education of representative agencies operating outside of the limits of the educational system belonging to the state.

I The Great Foundations

The so-called great foundations must be included among the great nationalizing influences in American education. Of the more important of those foundations, The Peabody Education Fund, The John F. Slater Fund, The General Education Board, The Carnegie Institution, The Carnegie Foundation for the Advancement of Teaching, The Anna T. Jeanes Foundation and The Russell Sage Foundation, — documents relative to three have been selected for the purpose of representing the character of the educational forces that have become organized about modern munificent philanthropy.

1. Carnegie Institution of Washington

[From *Year Book, No. 1, Carnegie Institution of Washington* (1902), pp. xi–xiv.]

TRUST DEED BY ANDREW CARNEGIE

Creating a Trust for the Benefit of the Carnegie Institution of Washington, D.C.

I, Andrew Carnegie, of New York, having retired from active business, and deeming it to be my duty and one of my highest privileges to administer the wealth which has come to me as a Trustee in behalf of others: and entertaining the confident belief that one of the best means of discharging that trust is by providing funds for improving and extending the opportunities for study and research in our country; and having full confidence in the gentlemen afternamed, who have at my request signified their willingness to carry out the Trust which I have confided to them, Therefore I have transferred to these, the Trustees of the Carnegie Institution of Washington Ten Millions of Registered Five Per Cent Bonds of the United States Steel Corporation, the names of said Trustees being as follows: —

The President of the United States; The President of the Senate; The Speaker of the House of Representatives; The Secretary of the Smithsonian Institution; The President of the National Academy of Sciences; John S. Billings, New York; William N. Frew, Pennsylvania; Lyman J. Gage, Illinois; Daniel C. Gilman, Maryland; John Hay, District of Columbia; Abram S. Hewitt, New Jersey; Henry L. Higginson, Massachusetts; Henry Hitchcock, Missouri; Charles L. Hutchinson, Illinois; William Lindsay, Kentucky; Seth Low, New York; Wayne MacVeagh, Pennsylvania; D. O. Mills, New York; S. Weir Mitchell, Pennsylvania; William W. Morrow, California; Elihu Root, New York; John C. Spooner, Wisconsin; Andrew D. White, New York; Edward D. White, Louisiana; Charles D. Walcott, District of Columbia; Carroll D. Wright, District of Columbia.

The said gift is to be held in trust for the purposes hereinafter named or referred to, that is to say, for the purpose of applying the interest or annual income to be obtained from the said bonds or from any other securities which may be substituted for the same; for paying all the expenses which may be incurred in the administration of the Trust by the Trustees, including in said expenses the personal expenses which the Trustees may incur in attending

meetings or otherwise in carrying out the business of the Trust: And Second, for paying the sums required by the said Trustees to enable them to carry out the purposes hereafter expressed. I hereby confer on the Trustees all the powers and immunities conferred upon Trustees under the law, and without prejudice to this generality the following power and immunities, viz.: Power to receive and realize the said Bonds, and the principal sums therein contained and the interest thereof, to grant discharges or receipts therefor, to sell the said Bonds, either by public sale or private bargain, at such prices and on such terms as they may deem reasonable, to assign or transfer the same, to sue for payment of the principal sums or interest, to invest the sums which from time to time may be received from the said Bonds on such securities as Trustees are authorized by the law of the State of New York, Pennsylvania, or Massachusetts, to invest Trust Funds, — and also on such other securities as they in the exercise of their own discretion may select, and to alter or vary the investments from time to time as they may think proper;

And I hereby expressly provide and declare that the Trustees shall to no extent and in no way be responsible for the safety of the said Bonds, or for the sums therein contained, or for the securities upon which the proceeds of the said Bonds may be invested, or for any depreciation in the value of the said Bonds or securities, or for the honesty or solvency of those to whom the same may be entrusted, relying, as I do, solely on the belief that the Trustees herein appointed and their successors, shall act honorably;

And I further hereby empower the Trustees to administer any other funds or property which may be donated or bequeathed to them for the purposes of the Trust; and I also empower them to appoint such officers as they may consider necessary for carrying on the business of the Trust, at such salaries or for such remuneration as they may consider proper, and to make such arrangements, and lay down from time to time such rules as to the signature of deeds, transfers, agreements, cheques, receipts, and other writings, as may secure the safe and convenient transaction of the financial business of the Trust. The Committee shall have the fullest power and discretion in dealing with the income of the Trust, and expending it in such manner as they think best fitted to promote the objects set forth in the following clauses: —

The purposes of the Trust are as follows, and the Revenues therefrom are to be devoted thereto: —

It is proposed to found in the city of Washington, an institution which with the coöperation of institutions now or hereafter established, there or elsewhere, shall in the broadest and most liberal

manner encourage investigation, research, and discovery — show the application of knowledge to the improvement of mankind, provide such buildings, laboratories, books, and apparatus as may be needed; and afford instruction of an advanced character to students properly qualified to profit thereby.

Among its aims are these:

1. To promote original research, paying great attention thereto as one of the most important of all departments.

2. To discover the exceptional man in every department of study whenever and wherever found, inside or outside of schools, and enable him to make the work for which he seems specially designed his life work.

3. To increase facilities for higher education.

4. To increase the efficiency of the Universities and other institutions of learning throughout the country, by utilizing and adding to their existing facilities and aiding teachers in the various institutions for experimental and other work, in these institutions as far as advisable.

5. To enable such students as may find Washington the best point for their special studies, to enjoy the advantages of the Museums, Libraries, Laboratories, Observatory, Meteorological, Piscicultural, and Forestry Schools, and kindred institutions of the several departments of the Government.

6. To ensure the prompt publication and distribution of the results of scientific investigation, a field considered highly important.

If in any year the full income of the Trust cannot be usefully expended or devoted to the purposes herein enumerated, the Committee may pay such sums as they think fit into a Reserve Fund, to be ultimately applied to those purposes, or to the construction of such buildings as it may be found necessary to erect in Washington.

The specific objects named are considered most important in our day, but the Trustees shall have full power, by a majority of two-thirds of their number, to modify the conditions and regulations under which the funds may be dispensed, so as to secure that these shall always be applied in the manner best adapted to the changed conditions of the time; provided always that any modifications shall be in accordance with the purposes of the donor, as expressed in the Trust, and that the Revenues be applied to objects kindred to those named, — the chief purpose of the Founder being to secure if possible for the United States of America leadership in the domain of discovery and the utilization of new forces for the benefit of man.

In Witness Whereof, I have subscribed these presents, consisting of what is printed or typewritten on this and the preceding seven pages, on (twenty-eighth) day of (January), Nineteen Hundred and Two, before these witnesses.

ANDREW CARNEGIE,
January 28, 1902.

Witnesses,
LOUISE WHITFIELD CARNEGIE.
ESTELLE WHITFIELD.

2. THE GENERAL EDUCATION BOARD

The General Education Board was organized, under a charter granted by Congress in 1903, to assist Mr. John D. Rockefeller in distributing his gifts to education and to serve as a medium through which other men of means could promote education in the United States in a systematic and effective way. The following paragraphs are from an unprinted memorandum issued by the Board in January, 1914.

The General Education Board has four main lines of work:
(1) The promotion of practical farming in the Southern States;
(2) The development of a system of public high schools in the Southern States;
(3) The promotion of higher education throughout the United States; and
(4) The promotion of selected schools for negroes.

(1) The Promotion of Practical Farming in the Southern States

For the first three years of its existence the Board, through its representatives, made a careful study of public education in the Southern States. As a result of this study it reached the conclusion that the greatest present need of that part of our country is the increased productive efficiency of rural life. Eighty-five per cent of the people of the Southern States live in the country and by farming.

Careful inquiry was therefore made in the United States and in other countries regarding methods of delivering to farmers the practical agricultural knowledge that has been developed by National and State Departments of Agriculture, experimental farms, etc. In the course of this inquiry the representatives of the Board met

Doctor Seaman A. Knapp, who by demonstration farms was successfully combating the boll weevil in Texas and Louisiana. It was the opinion of the Board that the demonstration farm methods of Doctor Knapp could be employed successfully in promoting general agriculture, as well as in combating the specific enemy of the cotton industry. A conference was, therefore, had with Secretary Wilson of the United States Department of Agriculture, who agreed that Dr. Knapp, who was special representative of the Department of Agriculture, might supervise the work in other states than Texas and Louisiana, provided funds for that purpose might be secured. The General Education Board, through the Department of Agriculture, under the above agreement, beginning in the early part of 1906, has made contributions for this purpose now aggregating $910,267. For the fiscal year 1913–14 the appropriation was $255,050. Since the death of Dr. Knapp, his son, Bradford Knapp, has been in charge of the work. The latest report from Mr. Knapp shows that in the states thus aided by the General Education Board 216 men are at work supervising the demonstration farms and about 20,000 farmers are pursuing improved agricultural methods under such direction. He further estimates that 187,680 farmers are pursuing similar work as influenced by those farmers who are under the immediate supervision of the agents. This work has attracted the favorable attention of the Farmers' Union of the Southern States, of agricultural colleges, public school authorities and the public press. A somewhat similar work has been begun in the States of Maine and New Hampshire.

Boys' Corn Clubs

Under the auspices of Mr. Knapp special state agents have been appointed in the several Southern States, who are conducting demonstration work among the boys of the public schools. Approximately 91,000 boys from twelve years of age and up, under the general designation of Boys' Corn Clubs, are "learning by doing;" that is, instead of studying textbooks on agriculture they are performing practical agricultural demonstration on their fathers' farms and are making these experiments the basis of agricultural study in the schools. In his latest communications to our office Mr. Knapp says that the work is developing in importance and value far beyond his most sanguine expectations.

Girls' Canning and Poultry Clubs

In 1910 girls' clubs were organized in South Carolina and Virginia. The objects of the Girls' Demonstration Work are:

1. To stimulate interest and wholesome coöperation among members of the family in the home;

2. To provide some means by which the girls may earn money at home and at the same time get the education and viewpoint necessary for the ideal farm-life;

3. To encourage rural families to provide purer and better food at a lower cost, and to utilize the surplus and otherwise waste products of the garden and orchards;

4. To furnish earnest teachers a plan for aiding their pupils and helping their communities.

The first year 325 girls were enrolled. In 1913, 33,500 girls in fourteen Southern States were enrolled in what are called Girls' Canning and Poultry Clubs.

(*2*) *The Promotion of Public High Schools*

The general study of educational conditions in the Southern States led the Board to believe that the greatest lack in that region and, therefore, the greatest need was of public high schools. It is the policy of the Board to do this work through existing organizations. Arrangement was, therefore, made with the several State Universities in the Southern States whereby such universities could assume the leadership and direction of a movement designed to develop systems of high schools. Appropriations have been made by the General Education Board to State Universities in the following states:

Alabama	Mississippi
Arkansas	North Carolina
Florida	South Carolina
Georgia	Tennessee
Louisiana	West Virginia
Kentucky	Virginia

The General Education Board appropriates to each University a sum sufficient to pay the salary and traveling expenses of a special high school representative. This man representing the University and the State Department of Education, goes to counties throughout the State, arouses and organizes public sentiment favorable to high schools and secures the establishment and maintenance of public high schools.

(3) *The Promotion of Institutions of Higher Learning*

The General Education Board uniformly makes its gifts for endowment. Colleges throughout the country decide how much money they wish to raise at a given time. Application is made to the General Education Board. A careful study of the institution is made covering both its financial and educational strength. It is studied not only as a particular institution of learning, but in its relation to higher education generally in a particular state. Then to approved institutions the Board makes contributions toward the total sums which they themselves have decided to raise. These contributions are made to the trustees of the several institutions and the General Education Board exercises no supervision or control in any case after the money has been paid. It first decides that the institution is worthy of aid and then makes its gifts without recourse. It is the conviction of the members of the Board that they ought not to assume any supervision or control of the educational work in colleges.

Conditional appropriations by the Board for higher education have been made as follows:

In the Southern States	$ 2,877,500
In the Western States	4,125,000
In the Eastern and Middle States	3,115,000
	$10,117,500

These gifts on the part of the General Education Board are toward an approximate total of $48,630,500, which total sum represents the increase of educational endowment and equipment largely made possible by the contributions of the General Education Board.

(4) *Schools for Negroes*

The Board since its organization has contributed $660,105 to schools for Negroes. The greater part of this contribution has been made to schools which train teachers. Contributions have also been made to schools founded and maintained by Negroes where such schools have had connection with organizations that afford supervision and audit.

The Board is also meeting the expenses of six Rural School Supervisors, whose work is conducted in connection with the State Department of Education, in the development of better school, economic, and social conditions in rural sections.

In this connection it should be said that Negro farmers have shared fully in the coöperative demonstration work supported by the Board under the supervision of Mr. Knapp.

Conclusion

It should be noted that it is the policy of the General Education Board to work through existing institutions and agencies and not to undertake independent educational work.

The contributions for agricultural demonstration work are expended under the supervision of the United States Department of Agriculture, which, through its accredited representatives, has entire control of such expenditures. Payments are made by the General Education Board for this work on vouchers certified by representatives of the Department of Agriculture.

It seeks to promote public high schools not by sending its own agents into the several states to do this work, but by enabling State Universities and State Departments of Education to do the work. Here, again, the direction and supervision of the work is entirely in the hands of the accredited representatives of the States.

Its contributions to colleges are not for specific departments in colleges or universities, nor for particular kinds of education. The contributions are made to the trustees of the colleges, who have full power to direct the expenditure thereof. The only promise required by the Board in making its gifts is that the money which it gives shall be invested and preserved inviolable for the endowment of the college or university.

3. The Russell Sage Foundation

[From Ayers, L. P., *Seven Great Foundations*, New York, 1911, pp. 63 ff.]

The Russell Sage Foundation was incorporated under the laws of the state of New York in the month of April, 1907. The endowment consists of the sum of $10,000,000 donated by Mrs. Russell Sage. The purpose of the Foundation, as stated in its charter, is "the improvement of social and living conditions in the United States of America." The charter further provides that "It shall be within the purpose of said corporation to use any means which from time to time shall seem expedient to its members or trustees, including research, publication, education, the establishment and maintenance of charitable and benevolent activities, agencies, and institutions, and the aid of any such activities, agencies, or institutions already established."

In a letter addressed to the trustees in April, 1907, Mrs. Sage further defines the scope of the Foundation and its limitations as

follows: "The scope of the Foundation is not only national, but it is broad. It should, however, preferably, not undertake to do that which is now being done or is likely to be effectively done by other individuals or other agencies. It should be its aim to take up the larger, more difficult problems; and to take them up so far as possible in such a manner as to secure coöperation and aid in their solution."

From its very inception the officers of the Foundation received many applications from educational institutions of all kinds and church institutions of all denominations as well as from individuals and associations seeking assistance. This flood of petitions was largely attracted by the broad scope of the Foundation. At their first meeting the question of scope was carefully considered.

Among the conclusions reached were the following: The Foundation will not attempt to relieve individual or family need. Its function is to eradicate so far as possible the causes of poverty and ignorance rather than to relieve the sufferings of those who are poor or ignorant.

The sphere of higher education, as represented by our universities and colleges, is not within the scope of the Foundation. It is sufficiently cared for by other large agencies. Not so, however, education of the kind that directly affects social and living conditions.

Aid to churches, for church purposes, whatever their denomination, is not within the scope of the Foundation.

In the three years of its existence the work of the Foundation has been partly propagandist and partly in the nature of research. It has conducted work through its own regularly employed staff, and it has in other instances utilized organizations already existing to carry on certain kinds of work. In these varying activities its degree of control has varied from absolute direction to intrusting direction entirely to others.

Among the movements which the Foundation has assisted financially may be mentioned the anti-tuberculosis campaign, movements for public recreation, the placing out and management of children in institutions, the medical inspection of schools, and propaganda in behalf of children's school gardens. One department of the Foundation has in charge the encouragement and extension of charity organization. Extensive work has been accomplished in propaganda for the prevention of blindness, especially among children.

In the field of research a careful study of working men's and other forms of small insurance at home and abroad has been made. Studies have been conducted in the fields of the salary-loan business

and the chattel-loan business, the feasibility of establishing an employment bureau in the city of New York, and the methods used and the results accomplished in relieving the recent earthquake sufferers in San Francisco. Another important special line of research has been the so-called Pittsburgh Survey, which has been an intensive and deep study of social and industrial conditions in Pittsburgh as a typical American industrial city.

Means have been provided whereby the schools of philanthropy in Boston, New York, Chicago, and St. Louis have been enabled to establish departments for the training of workers in social investigation. This assistance has enabled them to offer two or three years' courses to students and to give more thorough preparation for work and investigation.

The Foundation has emphasized the importance of the housing problem in the great cities and their suburbs. A considerable tract of land has been purchased near New York, and is being used for purposes of experiment and demonstration.

One of the Foundation's lines of activity has had to do with the practical problems of common school administration which are related to the progress of children throughout the common schools. Investigations have been steadily in progress for the past three years to discover and lessen the factors which prevent the regular progress of a large portion of children through the common school course and account for our schools being clogged with many so-called "backward children." Encouraging progress has been made in this field; and the problem is now being attacked in many cities with renewed assurance, as the result of the work that has been accomplished.

This, however, has not been the sole or the ultimate object of this particular line of work. The larger object has been the discovery of ways of measuring educational progress and educational results. The realization that the great development of modern science is based upon the perfection of exact methods of observation and research has led to the conclusion that one of our great needs in education at the present time is to have means of checking results, so as to be able to test different methods as accurately as it is possible to test them in the field of business. The Foundation's workers feel that we need to be able to measure the relation between educational products and educational processes. A considerable number of studies have been conducted in this field, and more are in progress.

Other lines of work in the field of elementary education are represented by the publications which have already appeared on medical inspection of schools, the problems of retardation and elimina-

tion, and open-air schools. There are now in course of preparation volumes on the wider use of the school plant, and on the problems and results of school feeding here and abroad.

Among the other activities to which the Russell Sage Foundation has contributed financial aid are the National Red Cross, the President's Homes Commission, and the Child-Saving Congress in Washington. Some idea of the scope of the Foundation's activities may be gained from the following titles of a few of its publications:

The Standard of Living Among Workingmen's Families in New York City.
Medical Inspection of Schools.
Laggards in Our Schools.
Correction and Prevention. Four Volumes.
Juvenile Court Laws in the United States: Summarized.
The Pittsburgh Survey. Six volumes.
Housing Reform.
A Model Tenement House Law.
Among School Gardens.
Workingmen's Insurance in Europe.
The Campaign against Tuberculosis in the United States.
Report on the Desirability of Establishing an Employment Bureau in the City of New York.
Wider Use of the School Plant.

The above statement of some of the activities of the Foundation is not inclusive or complete, nor is it intended to be. It is only illustrative. The Foundation has never published a complete report of all of its activities.

The fundamental idea of the Foundation is to place in the hands of qualified trustees the income of its large endowment and the power to use it in any way they think will best make for improvement in social and living conditions. The Foundation is not confined to any single form of social betterment. The provisions of its charter are sufficiently elastic to provide for any modification made necessary through the shifting of social conditions.

II. Voluntary Associations

The following selected list of typical existing (1914) organizations, the principal object of which is public education, *i.e.* the molding of public opinion, and the stimulation of public activity, is indicative of a tremendous fund of social energy.

The proper expenditure of this energy represents one of the problems of the organized educational system.

1. *American Association for Labor Legislation* (1906). New York City.
   a. Promotes the uniformity and encourages the study of labor legislation in the United States.
      Membership — 3348.
   b. Meets annually; serves as a clearing house for information on legislative matters relating to labor.
   c. Publication — *American Labor Legislation Review* (Quarterly).

2. *American Federation of Arts* (1909). Washington, D. C.
   a. Unifies art interests of the country; stimulates popular interest in art of all kinds.
      Membership — 186 chapters and 1000 associate members.
   b. Holds yearly conventions.
   c. Publications — *Art and Progress* (Monthly). *The American Art Manual.*

3. *American National Red Cross* (1900 — incorporated by Congress, 1905). Washington, D. C., War Dept.
   a. Furnishes volunteer aid to the sick and wounded of armies in time of war; carries on a system of national and international relief in time of peace.
      Membership — 14,000.
   b. Meets annually — a feature of its work is its fight against tuberculosis.
   c. Publication — *American Red Cross Magazine* (Quarterly).

4. *American Peace Congress* (National Arbitration and Peace Congress) (1907).
   a. Advocates the abolition of war as a means of settling international disputes.
      Membership — 212 delegates appointed by various State Governors.
   b. Meets bi-annually.
   c. Publication — *Proceedings.*

5. *American Prison Association* (Changed from National Prison Association, 1907) (1870). Indianapolis.
   a. Improves prison discipline; reforms criminal law, preventive and reformatory law.
      Membership — 600.
   b. Meets annually.
   c. Publication — *Annual Proceedings.*

6. American Social Hygiene Association (Formed by merging of American Vigilance Association, 1906, and American Federation of Sex Hygiene, 1909) (1914). Chicago.

a. Advocates the highest standards of private and public morality; suppresses commercialized vice; organizes the defense of the community against the diseases of vice.

b. Meets annually; conducts investigations into present conditions of prostitution and venereal diseases.

c. Publication — *Vigilance* (Monthly).

7. Boy Scouts of America (1910) New York City.

a. Helps boys to become useful, self-reliant, and manly citizens. Membership — 300,000.

b. Open to any boy over 12 years of age; instruction is given in first aid, life saving, tracking, signalling, cycling, nature study, seamanship, campcraft, woodcraft, chivalry, and all the handicrafts.

8. Eugenics Record Office (1910). Cold Spring Harbor, Long Island, New York.

a. Promotes researches in eugenics that shall be of utility to the human race.

b. Office was established by Mrs. E. H. Harriman and also received generous support from J. D. Rockefeller.
Scientific directors (5) meet annually.

c. Publications — *Bulletins. Memoirs.*

9. Federal Council of the Churches (1908). New York City.

a. Secures a larger combined influence for the churches of Christ in all matters affecting the spiritual life and the moral and social condition of the people.
Membership — 400 officially appointed representatives from 32 denominations, having 16,000,000 members.

b. Holds its general meeting every fourth year; executive committee meets annually. Active work is carried on by nine different commissions.

c. Publications — *Quadrennial Proceedings. Reports of Commissions. Pamphlets.*

10. Federated Boys' Clubs, (1906). Boston.

a. Associates individuals and clubs in order to promote the work of the boys' clubs and to further the formation of new clubs.

b. Assists and coöperates with local superintendents and clubs; serves as a clearing house between clubs and superintendents; spreads usable information on different phases of club activity through a regular monthly letter.

11. General Federation of Women's Clubs (1889). Charlotte, N. C.

a. Educates its members mentally and morally; creates public opinion; secures better conditions of life.
Membership — 800,000.

b. Meets bi-annually; it is especially active in securing equal educational opportunity for all children.

c. Publications — *Biennial Report. General Federation. Bulletins* (Monthly).

12. Immigration Restriction League (1894). Boston.

a. Advocates and works for the further judicious restriction or stricter regulation of immigration; issues documents and circulars; solicits facts and information on that subject.
Membership — 800.

b. Meets annually.

c. Distributes over half a million circulars annually.

13. National Academy of Sciences (1863). Washington.

a. Investigates, examines, experiments, and reports upon any subject of science or art, whenever called upon by any department of the national government; actual expense is paid by the government.
Membership — 139, and 49 foreign associates.

b. Meets annually in Washington.

c. Publications — *Annual Reports. Memoirs* (11 volumes).

14. National Association for the Study and Prevention of Tuberculosis (1904). New York City.

a. Studies tuberculosis in all of its forms and relations; disseminates knowledge concerning causes, treatments and prevention; encourages prevention and scientific treatment.
Membership — 2300.

b. Meets annually.

c. Publications — *Annual Proceedings. Journal of Outdoor Life.*

15. National Board of Censorship (1909). New York City.

a. Curtails the objectionable features of motion picture shows; encourages improved uses of films for schools, civic associations, etc.; promotes local regulative laws.
Membership — 70 volunteer members.

b. Censors the programs of 16,000 theaters; during three years it has prohibited objectionable films to the amount of $2,000,000.

16. National Child Labor Committee (1904). New York City.

a. Promotes the welfare of society with respect to the employment of children in gainful occupations.
Membership — 6100.

b. Holds a conference annually to discuss child labor conditions and to promote legislation on the subject.

c. Publications — *Child Labor Bulletins* (Quarterly). Leaflets and pamphlets on related subjects.

17. National Civic Federation (1900). New York City.

a. Brings into coöperation the sane and patriotic leaders of the forces of employers and employed, and of the interested third party, the general public.
Membership — Some departments have 700 delegates.

b. Carries on its work largely through its ten different departments.

c. The record of progress in all departments is contained in the monthly *National Civic Federation Review.*

18. National Congress of Mothers (1896). Washington.

a. Raises the standards of home life; studies child welfare in home, church, school, and state.
Membership — Delegates from several hundred local organizations.

b. Meets annually. Through its country life department it helps in organizing parent-teacher associations.

c. Publications — *Child Welfare Magazine* (Monthly). *Parents and Their Problems* (Eight volumes).

19. National Conference of Charities and Corrections (1874). Chicago.

a. Rationalizes philanthropy; advances state, county, and municipal institutions of charity and correction.
Membership — 2800.

b. Meets annually — conducts ten departments.

c. Publications — *Annual Proceedings.*

20. National Conservation Association (Organized to continue the work of the National Commission) (1909). Washington.

a. Fights for the prompt and orderly development of the natural resources; secures their benefits to all and not merely for the profit of a few.

b. Meets annually. Fields of work are: Lands, waters, forests, and minerals.

c. Publications — *American Conservation* (Monthly illustrated bulletin).

21. National Consumers' League (1899). New York City.
a. Secures adequate investigations of the conditions under which goods are made, in order to enable purchasers to distinguish in favor of goods made in the well-ordered factory.
Membership — Delegates from sixty-five coöperating leagues.
b. Council of the League meets annually; it awards a white label which may be used by manufacturers who conform to required standards of employment. It propagates its views by lectures and literature.

22. National Geographic Society (1888). Washington.
a. Increases and diffuses geographic knowledge.
Membership — 107,000.
b. Assists worthy projects of exploration; gives an annual series of thirty addresses.
c. Publications — Maps. *National Geographical Magazine* (Monthly).

23. National Housing Association (1910). New York City.
a. Improves housing conditions both urban and suburban in every practicable way.
b. Meets annually.
c. Publications — Proceedings are published in *Annals of the American Academy of Political and Social Science.*

24. National Municipal League (1894). Philadelphia.
a. Promotes the organization of good citizens; investigates and discusses the condition and details of civic administration.
Membership — 2000.
b. Holds an annual conference; encourages through its committees the study in schools and colleges of questions of police, health, charities, nominations, and electoral reforms.
c. Publications — *Annual Proceedings. Monthly Bulletin.*

25. National Short Ballot Organization (1910). New York City.
a. Explains the short ballot principles to the American people.
b. Founded by Woodrow Wilson and Richard S. Childs.
c. Publications — *The Short Ballot Bulletin* (Bi-monthly).

26. National Society for the Promotion of Industrial Education (1907). New York City.
a. Serves the causes of vocational education.

Membership — Members coming from thirty-eight state branches.

b. Meets annually.

c. Publications — *Proceedings. Bulletins* on trade and industrial education (Fifteen).

27. North American Civic League for Immigrants (1909).

a. Develops permanent city, state, and federal policies regarding conditions created by present immigration. Carries on an extensive plan of domestic education among immigrant women and girls.

28. Playground and Recreation Association of America (1906). New York City.

a. Studies the general plan of playground construction and administration; collects playground libraries and museums; registers and keeps account of trained playground workers.

Membership — 500.

b. Meets annually.

c. Publications — *Proceedings* of Each Annual Congress. *The Playground* (Monthly magazine).

29. Society for the Suppression of Unnecessary Noises (1907). New York City.

a. Prevents and suppresses unnecessary and extraordinary noises.

b. Promotes through lectures and pamphlets — "safe and sane Fourths," "quiet hospital streets," and "quiet school zones."

30. Women's Educational and Industrial Union (1877). Boston.

a. Promotes the educational, industrial, and social advancement of women.

Membership — 4268.

b. Extensive work is conducted through three departments — Educational, Social Service, and Industrial. Total receipts for 1913 were $466,000.

c. Publications — *Annual Report. Studies in Economic Relations of Women* (Six volumes).

SUBJECT INDEX

Academic freedom, 435.
Academy of Sciences, National, 714.
Accrediting, secondary schools, 355.
Administration, centralization, Indiana, 178; Kansas, 208; New York, 143.
Administration, higher education, state, 407, 419; industrial education, 365; state educational, 304; state unit of, 143.
Agricultural Experiment Station Act, 90.
Agricultural-Extension Act, 100.
Agriculture, United States Department of, 115, 118; compared with Bureau of Education, 124.
Aid, national, for education, 18 ff., 104; for higher education, 79; for vocational education, 132, 370.
Aid, state, 457. (See also under *Funds;* also *Subsidies;* also *State.*)
Alabama, land grants, sale of, 36; land grants, value, 73; school districts, law relating to, 193; uniform teachers' examinations, 604; United States Deposit Fund, 52.
American Association for Labor Legislation, 712.
American commonwealth, an efficient system of schools for, 345; right system of schools for, 311.
American Federation of Arts, 712.
American National Red Cross, 712.
American Peace Congress, 712.
American Prison Association, 712.
American Social Hygiene Association, 713.
American State Papers, quoted, 34, 38, 41, 44, 49, 81.
Appointment, teachers', 607.
Apportionment, school funds, 47.
Appropriations, federal, for education, 109 ff.
Arizona, land grants, 32, 67; land grants, value, 79.
Arkansas, land grants, 29; land grants, value, 73; land grants, sale of, 36; school district meeting, 186; swamp land grants, 63; United States Deposit Fund, 52.
Arts, American Federation of, 712.
Associations, scientific, national appropriations for, 117.
Associations, voluntary, 711.
Astrophysical Observatory, 119.
Attendance, compulsory, 636.
Auditing school district accounts, 200.
Authority, state *vs.* local (Indiana), 153; (New York), 156.

Ballot Organization, National Short, 716.
Baltimore, Third Plenary Council, 687.
Blair bill for national aid, 104.
Blind children, 655.
Board, federal, for vocational education, 134.
Board, General Education, 700, 704.
Board of education (see under *State; County; City*).
Boys' Clubs, Federated, 713.
Boy Scouts of America, 713.
Buchanan, President, veto of land grant act, 84.
Building Code, Ohio, 500 ff.
Buildings, school, 497 ff.; classification, 502; Connecticut, 165; construction, 502; dimensions, 504, 534; drinking water, 534; fire protection, 506, 515, 516; heating and ventilation, 511, 517, 534; legal use of (Kansas), 526; legal and illegal uses of, 525; lighting, 506, 534; regulations by state boards of health, 533; responsibility of school officers for, 498; sanitation, 512, 518, 534; wider use of (Wisconsin), 529.

Bureau, Children's, United States, 121; 668.
Bureau of American Ethnology, United States, 119.

California, apportionment of school funds, 488; land grants, 32; land grants, value, 75; proposed reorganization of San Mateo County, 229; school district meeting, 186; school district trustees, election, 186; school districts, formation and alteration, 185; statutory requirements, elementary schools, 320; teachers' institutes, 621, 626; textbook system, 544.
Carnegie Foundation for the Advancement of Teaching, 700; report quoted, 126 ff., 278, 305, 311, 347, 351, 369, 407, 416, 419, 429, 481, 573, 613.
Carnegie Institution of Washington, 701.
Catholic parochial schools, 679.
Censorship, National Board of, 714.
Centralization, Indiana, 178; Kansas, 208; New York, 143. (See also under *Consolidation*.)
Certificates, schooling, 647.
Certification of teachers, 590, 595; county system, 605; renewals, suspension and revocation of certificates, 599; standardization of, 595.
Charities and Corrections, National Conference of, 715.
Child, state and, 635.
Child and the law, 669.
Child labor, 636 ff.
Child Labor Committee, National, 715.
Children, blind, 655; crippled, 655; deaf, 655; defective, 655; delinquent, 669; dependent, 659; exceptional, 655; special classes, 655.
Children's Bureau, United States, 121, 668.
Church and education, 678; state universities, 693.
Churches, Federal Council of, 713.
City superintendent, compared with county, 236.
Civic Federation, National, 715.
Classification, exceptional children, 655, 658.
Colleges, land grant, 83.
Colleges, relation to normal schools, 573.
Colonial education, 11.
Colorado, land grants, 65; land grants, value, 77.
Columbia, District of (see under *District*).
Commerce and Labor, Department of United States, 115.
Commission, Connecticut Educational, quoted, 163.
Commission, Illinois Educational, quoted, 214, 220, 224, 301, 599.
Commission, Kansas Educational, quoted, 276.
Commission, National Aid for Vocational Education, Federal, quoted, 370.
Commission, Ohio School Revenue, quoted, 476.
Commission, Vermont Educational, quoted, 278, 305.
Commission, Virginia Educational, quoted, 454.
Commission, Wisconsin Free Library, work of, 394.
Commissioner of Education, New York, 152.
Common schools, table of land grants, 33.
Commonwealth *v.* Dedham (Massachusetts), 173.
Compulsory education, 636; Connecticut, 164.
Compulsory maintenance of schools, 173.
Congresses, international, national appropriation for, 117.
Conklin *v.* District No. 37 (Kansas), 498.
Connecticut, compulsory education, 164; district system, 166; 168; high schools, 171; industrial education, 171; normal school scholarships, 170; Report of Educational Commission, quoted, 163; school buildings, 165; state supervision, 169; teachers, 166 ff.; text books, free, 171; transportation, 170; United States Deposit Fund, 53.
Conservation, National Association, 715.
Consolidation, rural schools, 253 ff.; in district system states, 258; in township system states, 264; in county system states, 274. (See also under *Centralization*.)

Constitution, Federal, quoted, 12.
Constitutions, state, 143; educational provisions in early, 13 ff. (See also under names of states.)
Construction (see under *Buildings*).
Consumer's League, National, 716.
Contagious diseases, school attendance, 533.
Correspondence instruction, 402.
County board of education, 229; advantages, 240.
County, certification of teachers, 605; supervision, 238.
County superintendent, 229; and politics, 237; compared with city superintendent, 236; election of, 232; powers of, 235; work of, 233.
County system, California, 229; Georgia, 246; Maryland, 241; states, consolidation of rural schools in, 274.
County unit, 229; Kansas, 276.
Courts, juvenile, 669.
Crippled children, 655.

Deaf children, 655.
Decisions, court: Commonwealth *v.* Dedham (compulsory maintenance of schools, Massachusetts), 173; Conklin *v.* District No. 37 (responsibility of school officers for buildings, Kansas), 498; Hutchinson *v.* Skinner (power of state educational officers, New York), 156; Interstate Railway Co. *v.* Massachusetts, (police power of state), 8; Lawrence *v.* Dick (status of high schools, Kansas), 336; Spencer *v.* Jt. District No. 6 (use of school buildings, Kansas), 526; State *v.* Chelan County (school grounds, Washington), 541; State *v.* Haworth (state and local authority, Indiana), 153; Viemeister *v.* White (vaccination, New York), 537.
Defectives, 655.
Degree-conferring institutions, state supervision of, 431.
Delaware, constitution, 16; higher education, 409; United States Deposit Fund, 53.
Delinquent children, 669.
Democracy and education, 1 ff.
Dependent children, 659.
Deposit Fund, United States, 52.
Distribution, school funds, 471. (See also under *Funds*.)
District, school, formation and alteration, 185 ff.; school meeting, 186; school trustees, 186.
District of Columbia, 116; dependent children, 661; higher education, 409.
District system, 229; Alabama, 193; auditing accounts, 200; comments on, 195 ff.; formation and alteration, 185 ff.; Illinois, 187, 205; Indiana, 178 ff.; influence on rural schools, 210; Kansas, 208, 224; Kentucky, 196; Massachusetts, evolution of, 173; Minnesota, 225; New York, 144; states, consolidation of rural schools in, 258.
Drinking water (see *Buildings*).
Duplication, among state higher educational institutions, 424; teachers college, and university, 576.

Economic trend of education, 365.
Education, and democracy, 1 ff.; federal government and, 109, 126; state and, 1 ff., 6; colonial conceptions, 11; compulsory, 636; church and, 678; economic trend of, 365; elementary, state, 319, 326; federal appropriation for, 109 ff.; general, distinguished from industrial and technical, 369; national aid for, 18 ff.; national aid for vocational, 132; professional, 407; religious, 678 ff.; secularization of, 678.
Education, Bureau of, United States, 114, 123, 124.
Educational standards, and state support, 481.
Efficiency, teachers', 607.
Elementary education, 319; administrative regulations (Virginia), 326; constitutional prescriptions, 319; need of, 334; reorganization of, 334; Oklahoma, 319; statutory requirements (California), 320; statutory requirements (Massachusetts), 323.
Elementary schools, expenditures for, Vermont, 481; standardization of, Minnesota, 327.
Employment of children, 645.

Ethnology, Bureau of, United States, 119.
Evening schools, 651.
Examinations, teachers, 599.
Exceptional children, 655.
Experiment stations, agricultural, 90; office of, 115.
Extension, university, 402.
Eugenics Record Office, 713.

Family and state, 5.
Farmers' institute, 398.
Federal, agencies for education, 109; appropriations for education, 109 ff. (See also under *National.*)
Federal board, vocational education, 134.
Federal Council of the Churches of Christ, 692, 713.
Federal government and education, 109.
Federated Boys' Clubs, 713.
Fire protection (see under *Buildings*).
Five per Centum Fund, 47.
Florida, land grants, value, 74.
Forest reserve income, 64.
Foundations, great educational, 700.
Fractional Township Act, 30.
Free School Act, New York, 147.
Funds, state school, 443; apportionment, 471 ff.; distribution, Michigan, 471; Massachusetts, 443; Minnesota, 451; Missouri, 485; Vermont, 483.

General Education Board, 700, 704.
General Federation of Women's Clubs, 714.
Geographic Society, National, 716.
Georgia, constitution, 17; county organization, 246; district school trustees, election, 187; School Book Investigating Committee, 563; school districts, formation and alteration, 185; United States Deposit Fund, 53.
Government and education, 8.
Grounds, school, 541.

Hatch Act, 90.
Health control, 530. (See also under *State board of health.*)
Heating and ventilation (see under *Buildings*).
Higher education, 407; administration of, Iowa, 421; control of, 416; Delaware, 409; District of Columbia, 409; duplication of work, 424; investigation, 436; leadership, 436; Maryland, 409; national aid to, 79; New England, 407; New Jersey, 408; New York, 408, 419; north central states, 410; Pennsylvania, 408; political control, 435; scholarships, New York, 413; southern states, 410; state aid and state control, 416; state supervision of degrees, 431; types of state systems, 407; western states, 411.
High schools, a just charge on public treasury, 341; Connecticut, 171; development of, in Massachusetts, 341; functions of, 347; junior, 354; status of, in American school system, 336; status of, Kansas, 336; training of teachers for, 579; teacher training classes in, 582. (See also under *Secondary education.*)
Housing Association, National, 716.
Humanitarianism, 655.
Hutchinson *v.* Skinner (New York), 156.

Idaho, land grants, 31; land grants, value, 78; state board of health, 405.
Illinois, district system in, 205; inequality in taxation, 460; land grants, 28; land grants, sale of, 36; land grants, value, 72; school district meeting, 186; school districts, law relating to, 187; township system, 215; United States Deposit Fund, 53.
Illinois, Educational Commission, quoted, 220, 224, 240, 301, 599.
Illiterates, minors, 651; United States, 330.
Immigrants, North American Civic League for, 717.
Immigration Restriction League, 714.
Indian Affairs, Bureau of, United States, 112.
Indiana, centralization in, 178, 265; district system, 178 ff.; land grants, 27; land grants, sale of, 36; land grants, value, 72; licensing of teachers in, 590; minimum salaries, 612; school district meeting, 186; State *v.* Haworth, 153;

state *v.* local authority, 153; state board of education, 294; teachers' reading circle, 627; township system, 178, 215; United States Deposit Fund, 53.
Individual and the state, 7.
Industrial education, 365; Connecticut, 171; distinguished from general education, 369; evils of separate control, 367; Kansas high schools, 582; state board of, Wisconsin, 379. (See also under *Vocational Education.*)
Industrial Education, National Society for the Promotion of, 716.
Inequality of school burdens, 457.
Interior, Department of, United States, 112.
Internal Improvement Act (1841), 57.
International congresses, 117.
Interstate Railway Co. *v.* Massachusetts, 8.
Institutes, farmers', 398; teachers', 621.
Investigations, higher institutions, 436.
Iowa, duplication of work between Teachers College and University, 576, 578; higher education, 421; land grants, value, 74; right system of schools for, 345; state board of education, 421; Teachers College, 576; township system, 215; training of teachers, 576.

Jeanes Foundation, 700.
Junior high school, 354.
Justice, Department of, United States, 111.
Juvenile court, 669.

Kansas, centralization of school administration, 208; Conklin *v.* District No. 37, 498; district system, 208, 224; Educational Commission, 276; high school training classes, 582; industrial training in high schools, 582; land grants, value, 76; Lawrence *v.* Dick, 336; Spencer *v.* Jt. Dist. No 6, 528; status of high schools in, 336; text-book plan, 567.
Kentucky, district system in, 196; land grants, 41; United States Deposit Fund, 54.

Labor Legislation, American Association for, 712.
Land grants to states, Arizona, 32, 67; Arkansas, 29; California, 31; Colorado, 65; Idaho, 31; Illinois, 28; Indiana, 27; Kentucky, 41; Maryland, 37; Michigan, 29; Mississippi, 25; Missouri, 29; Montana, 66; New Hampshire, 38; New Mexico, 32, 67; North Dakota, 66; Ohio, 23; Oklahoma, 67; Oregon, 31; South Dakota, 66; Tennessee, 26; Utah, 32; Washington, 31, 66.
Land Grant Act, Buchanan's veto, 84.
Land grant colleges, 83.
Land grants, common schools, 18; common schools, value, 71 ff.; Five per Centum Fund, 47; forest reserves, 64; petitions for, 21; sale of, 34; saline lands, 46; swamp, 63; table of, for common schools, 33; table of, for states, 62.
Lands unappropriated, table, 108.
Law and the child, 669.
Laws, school, development of, 143.
Lawrence *v.* Dick (Kansas), 336.
Leadership, university, 438.
Legislation, text book, 561.
Library of Congress, 115.
Library, Wisconsin Free Commission, 394.
Licensing of teachers, 590.
Lighting (see under *Buildings*).
Louisiana, land grants, value, 71; land grants, sale of, 36; United States Deposit Fund, 54.

Maine, town system, 228; United States Deposit Fund, 54.
Maryland, county organizations, 241; higher education, 409; land grants, 37; United States Deposit Fund, 54.
Massachusetts, Commonwealth *v.* Dedham, 173; compulsory maintenance of schools, 173; compulsory school attendance, 638; constitution, 14; development of high schools, 341; employment of women and children, 645; Interstate Railway Company *v.* Massachusetts, 8; medical inspection of schools, 531; police power of state, 8; school fund, history, 443; state requirements and state aid, 457;

statutory requirements, elementary schools, 323; town system, 213, 226; transportation, 8; truant schools, 640; United States Deposit Fund, 54.
Medical inspection of schools, 531.
Meeting, school district, 186.
Michigan, auditing school district accounts, 200; distribution of school funds, 471; land grants, 29; land grants, value, 73; township system, 216; United States Deposit Fund, 55.
Minimum salaries, teachers', 612.
Minnesota, district system, 225; land grants, value, 75; school fund, 451; standardization of elementary schools, 327; standardization of secondary schools, 357; state aid, elementary schools, 327.
Mississippi, land grants, 25; land grants, value, 72; petition for land, 21; United States Deposit Fund, 55.
Missouri, apportionment of school funds, 485; approval of rural schools 250; consolidation of rural schools, 258, 274; land grants, 29; land grants, value, 73; rural schools, 274; school districts, formation and alteration, 185; United States Deposit Fund, 55.
Montana, land grants, 66; land grants, value, 77.
Morrill Act, 86; Second, 96.
Mothers, National Congress of, 715.
Municipal League, National, 716.

National Academy of Sciences, 714.
National aid, Blair bill, 104; education, 18; higher education, 79; vocational education, 132. (See also under *Federal*.)
National Association for the Study and Prevention of Tuberculosis, 714.
National Board of Censorship, 714.
National Child Labor Committee, 715.
National Civic Federation, 715.
National Conference of Charities and Corrections, 715.
National Congress of Mothers, 715.
National Conservation Association, 715.
National Consumers' League, 716.
National Education Association, Committee on Economy of Time, quoted, 352.
National educational policy, 126.
National Geographic Society, 716.
National government, educational work of departments, 120.
National Housing Association, 716.
National Municipal League, 716.
National Museum, 119.
National Short Ballot Organization, 716.
National Society for the Promotion of Industrial Education, 375, 716.
National university, 125.
National Zoölogical Park, 119.
Navy, Department of, United States, 112.
Nebraska, high school training classes, 582; land grants, value, 76; uniform teachers' examination, 604.
Nevada, land grants, value, 76.
New England, higher education, 407; town system, 213.
New England Journal of Education, quoted, 237.
New Hampshire, constitution, 15; land grants, 38; United States Deposit Fund, 55.
New Jersey, apportionment of school funds, 491; higher education, 408; township system, 226; United States Deposit Fund, 55.
New Mexico, land grants, 32, 67; land grants, value, 79.
New York, centralization of administration, 143; commissioner of education, 152; district system, 144; development of state control, 143; Free School Act, 147; higher education, 408, 419; Hutchinson *v.* Skinner, 156; normal schools, 150; power of state educational officers, 156; Regents of the University, 152; scholarships for higher education, 413; school districts, 185; school supervision, 148; state school tax, 148; superintendent of common schools, 145; United States Deposit Fund, 55, 147; Viemeister *v.* White, 537.
Normal Schools, New York, 150; transformation into colleges, 573; Wisconsin, 574.

Normal school scholarships, Connecticut, 170.
Normal training in high schools, 582.
North American Civic League for Immigrants, 717.
North Carolina, constitution, 17; United States Deposit Fund, 56.
North Central Association of College and Secondary Schools, 355.
North central states, higher education, 410.
North Dakota, land grants, 66; land grants, value, 77; township system, 225; uniform teachers' examination, 605.

Officers, school, responsibility for school buildings, 498.
Ohio Building Code, 500 ff.
Ohio, consolidation of rural schools, 255; distribution of school revenues, 476; land grants, 23; land grants, value, 71; land grants, sale of, 34; school districts, formation, 185; United States Deposit Fund, 56.
Ohio School Revenue Commission, quoted, 476.
Oklahoma, constitutional prescriptions, 319; land grants, 67; land grants, value, 79; state board of education, 296.
Ontario, text-book plan, 568.
Opportunity, equality of educational, 165.
Ordinance of 1785, 19; of 1787, 20.
Oregon, land grants, 31; land grants, value, 76; state board of education, 293; state superintendent, duties, 282.
Organization, state educational, 282.

Parental responsibility, state and, 635.
Parochial schools, 679.
Peabody Education Fund, 670.
Peace Congress, American, 712.
Pennsylvania, constitution, 16; township system, 226; United States Deposit Fund, 56.
Pensions, teachers', 607, 613.
Physical function, state education, 530.
Physical welfare of school children, 541.
Playground and Recreation Association, 717.
Playgrounds, school, 541.
Police power, 8, 635.
Politics and county superintendency, 237.
Prison Association, American, 712.
Professional education, 407, 429.
Public schools, Catholic church and, 679, 687.

Reading circle, teachers', 627.
Red Cross, American National, 712.
Regents, University of the State of New York, 152.
Religious education, 678, 693.
Renewal, teachers' certificates, 599.
Reorganization, elementary education, 334; elementary and secondary education, 351.
Responsibility of school officers for school buildings, 498.
Revenue, surplus, 49; distribution of school, Ohio, 476. (See also under *Funds*.)
Revocation, teachers' certificates, 599.
Rhode Island, town system, 228; United States Deposit Fund, 56.
Rural schools, approval, Missouri, 250; consolidation, Michigan, 255; Indiana, 265; influence of district system on, 210; Michigan, 255; Missouri, 258, 274; problem, 250; Texas, 253; training teachers for, 582 ff.; Vermont, 278.
Russell Sage Foundation, 700, 708.

Sage Foundation, 700, 708.
Salaries, teachers', 607; teachers', increasing, 607; teachers', minimum, 612.
Saline land grants, 46.
Sanitary control, 530.
Sanitation (see under *Buildings*).
Scholarships for higher education, 413.
School as a social center, 386.
School buildings (see under *Buildings*).
School district (see under *District*).
School funds (see under *Funds*).
School grounds, 541.
Schoolhouses (see under *Buildings*).
Schooling certificates, 647.
School officers, responsibility for buildings, 498.
School plant (see under *Buildings*).
Schools, compulsory maintenance, Massachusetts, 173; parochial, 679.

Schools, rural (see under *Rural schools*).
Secondary education, 336; reorganization of, 351. (See also under *Secondary schools*.)
Secondary schools, accrediting of, 355; expenditures for, Vermont, 481; relation to elementary schools, 351; standardization, Minnesota, 357. (See also under *High schools*.)
Secularization of education, 678.
Seminary township grants, 79.
Service, improving teachers in, 621.
Slater Fund, 700.
Smithsonian Institution, 116, 118 ff.
Smithson, James, will of, 119.
Social center, 386.
Social Hygiene Association, American, 713.
Social theory and education, 1 ff.
Society for the Suppression of Unnecessary Noises, 717.
South Carolina, high school training classes, 582, 588; United States Deposit Fund, 56.
South Dakota, land grants, 66; land grants, value, 77; township system, 225; uniform teachers' examinations, 604.
Southern states, higher education, 410.
Special classes, children, 655.
Spencer *v.* Jt. District No. 6, 526.
Standards, educational, 481.
Standardization, certification of teachers, 595.
State, certification of teachers, 590 ff.; constitutions, early, 13 ff.; educational officers, powers, 156; educational organization, 282; education, physical function of, 530; environmental influence of, 7; library commission, Wisconsin, 394; obligations, 164; parental responsibility, 635; supervision, degree conferring institutions, 431; system of education, 311; systems of higher education, 407; system of vocational education, 375; uniformity, textbooks, 550; unit of administration, 143; unity in education, 163 ff.
State aid, elementary schools, Minnesota, 327; higher education, 416; secondary schools, Minnesota, 357. (See also under *Aid, state*.)
State and, child, 635; church, 679; education, 1 ff., 6; family, 5; individual, 7; university, 435.
State board of health, Idaho, 405; regulation of schools by, Wisconsin, 533.
State board of industrial education, Wisconsin, 379.
State board of education, 298; advantages, 301; Connecticut, 168; Indiana, 294; Iowa, 421; objections, 303; Oklahoma, 296; Oregon, 293; Vermont, 305.
State control, development of, in New York, 143; higher and professional education, 407; higher education, 416.
State, Department of, United States, 111.
State school funds (see under *Funds*).
State superintendent, duties, Oregon, 282; evolution of office, 282; New York, 145; office of, 291.
State *v.* Chelan County (Washington), 541.
State *v.* Haworth (Indiana), 153.
State *v.* local authority (Indiana), 153.
Statutes, United States, quoted, Bureau of Education, 123; Children's Bureau, 121; land grants, 24, 25, 26, 30, 32, 36, 51, 57, 63, 65, 66, 67, 86, 89, 90; maintenance, colleges of agriculture and mechanic arts, 96, 101.
Subsidies, 471. (See also under *State aid*.)
Superintendent (see under *County, State*.)
Superintendent, city compared with county, 236.
Supervision, county, 238; state, Connecticut, 169; state, New York, 148.
Suspension, teachers' certificates, 599.
Supplemental education, 386.
Supplies, 545.
Support, school (see under *Funds, Taxation*).
Surplus revenue, 49.
Swamp land grants, 63.

Taxation, 443; inequalities of, Illinois, 460; state school, New York, 148; theory of for public education, 454. (See also under *Funds*.)
Teachers, appointment, 607; colleges (see under *Higher Education*); certification, 590; Connecticut, 166 ff.;

examination, 599; examinations, New York, 150; improving in service, 621; institutes, 621; pensions, 607, 613; reading circles, 627; salaries, 607; tenure, 607; training, 573 ff.; training in high schools, 582.
Technical education, distinguished from general education, 369.
Tennessee, constitution, 17; land grants, 26; land grants, value, 71; land grants, sale of, 36; United States Deposit Fund, 56.
Tenure, teachers, 607.
Texas, consolidation of rural schools, 250; land grants, value, 74; rural schools, 253; school districts, formation and alteration, 185.
Text books, 545; California system, 545; cost, 552; free, Connecticut, 171; investigating committee, Georgia, 563; legislation on, 561; local adoption, 550; printing of, 558, 560; state publication, California plan, 556, 566; state publication, Kansas, 567; state publication, Ontario plan, 568; uniform, Indiana, 153; uniformity, 550.
Theory of taxation for public education, 454.
Town system, Maine, 227; Massachusetts, 213, 226; Rhode Island, 228; Vermont, 226.
Township system, 215; comments of school officers, 224; Illinois, 220; Indiana, 178; New Jersey, 226; North Dakota, 225; objections, 220; Pennsylvania, 226; South Dakota, 225; states, consolidation of rural schools in, 264; West Virginia, 227.
Transportation, Connecticut, 170; Massachusetts, 8. (See also under *Consolidation*.)
Truant schools, Massachusetts, 640.
Trustees, school district, election, 186; powers and duties, 187.
Tuberculosis, National Association for the Study and Prevention of, 714.

Undemocratic proposal, An, 365.
Uniform teachers' examinations, 599.
Union, Women's Educational and Industrial, 717.
United States (see under titles of different bureaus and departments; also under *National;* also under *Federal*).
United States Deposit Fund, 52. (See also under names of states.)
United States statutes (see under *Statutes*).
Unity of public educational system, 365.
Universities and church, 693.
University and the state, 435.
University, extension, 402; leadership of, 438; national, 125; land grants to state, 80; state of New York, scholarship fund, 413.
Utah, land grants, 32; land grants, value, 79.

Vaccination, New York decision, 537.
Vermont, constitution, 13; distribution of school funds, 483; expenditures for elementary and secondary schools, 481; rural school needs, 278; state commissioners of education, 308; state educational organization, 305; town system, 226; United States Deposit Fund, 57.
Vermont Educational Commission, quoted, 278, 315.
Viemeister *v.* White (New York), 537.
Virginia, admininstrative regulations, elementary education, 326; United States Deposit Fund, 57.
Virginia Educational Commission, quoted, 454.
Vocational education, 370; federal board for, 134; national aid for, 132; principles and policies, 375; state system of, 375. (See also under *Industrial Education*.)
Vocational schools, Wisconsin laws, 379.
Voluntary associations, 711.

Wages, teachers (see under *Salaries*).
War, Department of, United States, 111.
Washington, city of (see under *District of Columbia*).
Washington, state, land grants, 31, 66; land grants, value, 78; State *v.* Chelan County, 541.
Waste in education, Illinois, 205.
Watervliet (New York), state control of public schools of, 156.

Western states, higher education, 411.
West Virginia, township system, 227.
White House Conference, dependent children, 659.
Wider use of school buildings, Wisconsin, 529.
Wisconsin, common school fund, 447; land grants, value, 74; laws, vocational schools, 379; normal schools, 574; regulation of schools, by state board of health, 533; wider use of school buildings, 529.
Wisconsin, Free Library Commission, work of, 394.
Women's Clubs, General Federation of, 714.
Women's Educational and Industrial Union, 717.
Wyoming, land grants, value, 78.

Young Men's Christian Association, 696.

NAME INDEX

Ackerman, J. H., 225, 234, 238.
Ayres, L. P., 708.

Baskett, George T., 253.
Baxter, C. J., 226.
Bedichek, Una, 253.
Blair, Francis G., 205.
Blair, Henry W., 104.
Brown, M. E., 606.
Buchanan, James, 83.

Carnegie, Andrew, 700.
Carrington, W. T., 239.
Cary, C. P., 232.
Cassidy, M. A., 196.
Charters, W. W., 258.
Cotton, F. A., 607.
Cousins, R. B., 225.
Cubberley, E. P., 595.

Denison, E. B., 235.
Dewey, John, 365.

Edwards, R. H., 693.
Evans, L. B., 246.
Evans, W. F., 606.

Fairchild, E. T., 208, 224.
Fairlie, J. A., 143.

Galpin, C. J., 694.
Gambrill, J. M., 242.
Giddings, F. H., 636.
Goode, G. B., 119.
Gunnell, H. C., 604.

Hamilton, John, 398.
Harvey, L. D., 233.
Hill, Frank A., 341, 457.
Hodge, G. W., 696.
Holmes, O. W., 8.

Ireland, John, 679.

Jefferson, Thomas, 12.

Kunkel, O. L., 258.

Lorin, W. F., 606.

McBrien, J. L., 604.
McKechnie, W. S., 7.
Mack, Julian W., 669.
Manchester, O. L., 460.
Marshall, P. E., 605.
Martin, G. H., 227.

Pickering, Thomas, 18.
Pritchett, H. S., 126, 311, 369, 407, 416, 419, 429, 573, 613.
Poore, B. F., 23, 28, 29, 31, 46.

Ranger, W. E., 228.
Rawles, W. A., 178, 590.
Reed, T. H., 291, 298.
Reynolds, J. E., 621.
Rogers, H. W., 431.
Roosevelt, Theodore, 662.
Ross, W. D., 588.
Russell, James E., 576.

Satolli, Francis, 687.
Schaeffer, N. C., 226.
Schmahl, J. H., 451.
Schultz, C. G., 225.
Shawkey, M. P., 227, 606.
Smith, Payson, 228.
Smithson, James, 119.
Stevens, M. B., 227.
Stockwell, W. L., 225, 605.
Stone, M. S., 226.

Tate, W. K., 236, 588.

Ustrud, H. A., 225, 605.

Van Hise, C. R., 402, 435.
Van Sickle, J. H., 655.

Wells, O. E., 447.
Wenner, G. W., 692.
Williams, J. H., 229.
Wilson, Woodrow, 4, 386.

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2 75